

LES
TERMES
DE LA LEY;

OR,

Certain difficult and obscure Words
and Terms of the Common Laws and
Statutes of this Realm now in use,
expounded and explained.

Now Corrected and Enlarged.

With very great Additions
throughout the whole Book,
never Printed in any other Impression.

Hor. *Multa renascentur quæ jam cecidere, cadentque
Quæ nunc sunt in honore vocabula, si volet usus.*

L O N D O N,

Printed by *W. Rawlins, S. Roycroft* and *M. Fleisher*,
Assigns of *Richard* and *Edward Askins* Esquires.

For *G. Walbanke, S. Heyrick, J. Place, J. Poole*,
and *R. Sare.* 1685.

TERMES DE LA LEY;

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Certain difficult and obscure Words
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throughout the whole Book,
never Printed in any other Impression.

For the better understanding of the Law, and the
more full and true knowledge of the same.

L O N D O N

Printed by W. Rastell, S. Rastell, and M. Fildes,
Assignes of Richard and Thomas Rastell.
For G. Whitham, S. Whitham, J. Whitham,
and R. Sear, 1554.

W. Rastell

To the READER.

I Need not strive much to prove the necessity of this Book, if you consider, that the most accomplished Pleader that ever charm'd his Author with Eloquence and Reason, began with it; much less shall I have difficulty to shew its profitableness to any who looks about and sees how many fair Estates are every day gained by the Professors of this Noble Science, to which this little Book must open the door and let them in: But least of all need I suspect, that whoever is convinced of these two Points, its Necessity and Profitableness, will fail to peruse and esteem it.

Though no name of any Author appears to it, yet my Lord Cook in his preface to his Tenth Report ascribes it to William Rastal, that reverend Judge; who was eminently knowing both in the Common and Statute Law of this Land, as appears by the many Learned Expositions and Excellent Cases, which every where occur in it. And we may probably guess it to be written by him originally in French only, having some cause to suspect the Translation to be done by a less skilful Hand: For though by the many Impressions of it, and carelessness of Printers, it has suffered much (as other Books of like nature daily do) yet some Objection lay against the Translator himself as (to omit others) Chapter is defined to be Locum in quo fiunt communes tractatus Collegiatorum, which was Englished thus oddly, A Place wherein common Tracts of men Collegiate are made. And for Errors of the Press, they were very numerous and strangely unhappy: as disseised for die seized, Common Law for Canon Law, deep for deer, necessary for accessary, tiel for viel, rather for either, owner for power, &c. In devastaverunt, sans compulsion, was Englished by compulsion. In the word Gild two whole Lines were omitted in

V. J. Cow.
Interpreter.

To the Reader

the English, and the French imperfect: so likewise in Gar-
ranty, and other words. There was also a mistake in Geo-
graphy in the word Pape, where Rome was said to be 1500
miles from hence, full 500 too much. And still as Impres-
sions were iterated, Errata's increased.

Besides the very many Faults which were thus crept into
this Book, it was so extremely misalphabeted that some words
could not be found without much difficulty, I had almost said
not at all: for if the Reader finds not the word he seeks in
its true place, he commonly lays by the Book with despair.

To remedy these encreasing Evils, I was willing to bestow
my endeavour: First, by adding above an hundred Words
with Explications in their proper places, and making refer-
rences to others, where needful. Secondly, by Correcting
the whole Work in what I found amiss, and retrenching some
antiquated and tautological Expressions as they occurred.
Thirdly, by adding to some old words such late Statutes as
alter or concern the Law established by them. And lastly, by
digesting the whole into an exact Alphabet, and taking care
to prevent Errors of the Press.

That I intended well, I can give you but my word: how I
have performed, I make my Reader Judge.

Inner Temple,

T. B.

TERMS OF THE LAW EXPOUNDED.

Abate.

Abate seems to come from the French *Abbatre*, is to destroy or defeat utterly, and has several significations. As, to Abate a Castle or Fortlet (Old Natura brev. fo. 45.) which (in Westm. 1. cap. 17.) is interpreted to beat down. And to abate a Writ, is to defeat or overthrow it, by some Error or Exception. Britton cap. 48. And, he that steps in between the former possessor and his Heir, is said to abate in the Lands. See Abatement.

Abatement of a Writ or
Plaint.

A Batement of a Writ or Plaint is, when an Action is brought by Writ or Plaint, wherein is want of sufficient and good matter, or else the matter alledged is not cer-

Abate.

Abate semble de venir del Francois *Abbatre*, i. rescinder, destruire, & ad plusieurs significations. Comme, *abater un Chateau ou Fortlet.* (Vet. Nat. br. fo. 45.) q; (en Westm. 1. ca. 17.) est entreprendre to beat down. Et, *abater un brief* est par le defaire ou renverser, par aucun Erreur, ou Exception. Britton ca. 48. Et luy q; s'entepose entre le prier possesseur & son Heir, est dit *abater en les Terres.* Veies *Abatement.*

Abatement de Brief ou
Plaint.

A Batement de Brief ou Plaint est, quant un Action est port per Brief ou Plaint, en que fault suffisente & bone matter, ou autrement le matter alledge nest
B certain-

certainment alledge, ou si le Plaintiff, ou Defendant, ou Lieu sont misnomme, ou si la appear variance perenter le Brief & le Specialty ou Record, ou que le Brief, ou Declaration sont uncertain, ou pur mort del Plaintiff ou Defendant, ou pur divers autres semblable causes; donques sur ceux defaults le Defendant poit prier que le Brief ou Plaint *abatera*, cest adire, que le Suit del plaintiff envers luy cessera pur cest temps, & que il commencera auter temps son Suit, & port u novel Brief ou Plaint, si soit isint dispose. Mes si le Defendant en aucun Action plede un matter en Bar' pur adnuler de Action a tous jours, il ne viendra apres a pleader en Abatement de Brief; mes si apres il appiert in le Record, q; est aucun matter apparat pur que le Brief doit estre abate, donque le Defendant ou alc auter person, *ut amicus Curie*, poiet bien plede & monstre ceo in Arrest de Judgment.

Veies les titles de *Brief*, *Misnomer* & *Variance*, en les *Abridgements*, & le Livre appel *Les Digests del Briefs*, en queux cest matter especialment est fort bien entreat.

Sont auxi autres matters queux abate & stay actions & Briefs, cestascavoir: *Variance* ent' Brief & Count.

tainly set down, or if the Plaintiff or Defendant, or Place are misnamed, or if there appear variance between the Writ and the Specialty or Record, or that the Writ or the Declaration be uncertain, or for Death of the Plaintiff or Defendant, and for divers other like causes; then upon those defaults the Defendant may pray that the Writ or Plaint may abate, that is to say, that the Plaintiffs Suit against him may cease for that time, and that he shall begin again his Suit, and bring a new Writ or Plaint, if he be so disposed. But if the Defendant in any Action plead a matter in Bar to annul the Action forever, he shall not come afterwards to plead in Abatement of the writ; but if after it appear in the Record, that there is some matter apparent for which the Writ ought to be abated; then the Defendant or any person, as a friend to the Court, may well plead and shew it in Arrest of Judgment.

See the titles of Writ, Misnomer and Variance, in the *Abridgements*, and the Book called *The Digests of Writs*, in which this matter especially is very well handled.

There are also other matters which abate and stay Actions and Writs, that is to say, *Variance* between the Writ and the Count.

If the Plaintiff be an alien Enemy.

For want of naming the Defendant of what Town, Trade, or degree he is where the Suit is by Writ.

That a Woman Plaintiff is married before, or hanging the Suit.

That the Plaintiff hath another Action depending for the same cause.

That the Writ is dated before the Action accrued.

For that the Defendant ought to be sued in another Court of which he is an Attorney or Officer.

For that the Land is ancient demesne.

For that the matter in Suit was done upon the high Sea, in which case the Admiral hath Jurisdiction.

These excuses underneath do not abate the Writ or Action but suspend the prosecution for a time.

If the Plaintiff in Action personal be out-law'd, or convicted of Recusancy, or Excommunicated.

Upon a Scire facias against tenants for Debt, plea that there are other Lands liable to the same Debt, which are not returned, doth stay the Proceedings until they be also returned.

Si le Plaintiff soit Alien Enemy. (*Titulo Alien.*)

Pur default de nommer le Defendant de quel Vill, ou Trade, ou degree il est, ou le Suit est per Brief.

Que le Feme Plaintiff est couvert devant, ou pendant la Suit.

Que le Plaintiff ad autre Action pendant pur mesme le cause.

Que le Brief est date devant le Action accrue.

Pur ceo que le Defendant doit estre sue en autre Court de quel il est Attorney ou Officer.

Pur ceo que la ter' est ancient demesne.

Que le matt' en Suit suit fait sur le haut mere, en quel case l' Admiral ad Jurisdiction.

Ceux cases susdits n' abate le Brief ou Action mes suspend le prosecution pur temps.

Si le Plaintiff en Action personel soit utlage ou convict de Recusancy, ou excommunge.

Sur Scire facias versus Tenants pur debt, plea que sont autres Tenant queux ont terrs liable a mesme le debt, queux ne sont return, stay proceeding tanq; sont auxi return.

An Exposition of,

[Fault de sufficient ou bone matter.

Le matter nest certainement alledge.

Plaintiff,
Defendant. } misnomre.
ou Lieu.

Causés de Abate-
ment de Brief
ou Plainr.

Variance enter } Brief, &
Specialty, ou
Record.

Uncertainry del } Brief, &
Count, ou
Declaration.

Mort } Plaintiff, ou
Defendant.

Abatement en Terres.

A *Batement en Terres* ou *Tenements* est, quant un hom' morust seisié de ter' ou *Tenements*, & un q; had droít entra en mesmes devāt le Heir; cest Entry d'luy est appel un *Abatement*, & il un *Abator*. Mes si le Heir enter primes après le mort de son Ancestor, & le autre enter sur le possession del Heir, cest dernier entry est un disseisin al Heir. Vide livre de *Entries*, fol. 63. c. & 205. d. & 519. c. Iou cest *Abatmēt* est appel en Latin *Intrusio*. Et jeo extend destre melius d' appel ceo en Latin *Interpositio*, ou *Intratio per interpositionem*, de fair difference enter ceo parol,

Abatement in Lands.

A *Batement in Lands* or *Tenements* is, when a man dies seised of *Lands* or *Tenements*, and one that hath no right enters into the same before the Heir; this Entry is called an *Abatement*, and he an *Abator*. But if the Heir enter first after the death of his Ancestor, and the other enter upon the possession of the Heir, this last entry is a *Disseisin* to the Heir. Look in the *Book of Entries* fo. 63 c. & 205. d. & 519. c. where this word *Abatement* is called in Latin *Intrusio*. And I think it better to call it in Latin *Interpositio*, or *Intratio per interpositionem*, make a difference between this word and

and Intrusio after the death of
the Tenant for life.

& Intrusion puis le mort de
le Tenant pur vie.

Abbot.

A Bbot was the soberaign head
or Chief of those Houses
which when they stood were cal-
led Abbies; and this Abbot
with the Monks of the same
House, who were called the Co-
vent, made a Corporation. Such
a Sovereign of any such House
shall not be charged by the Act
of his Predecessor, if it be not
by common Deal, nor for such
things which come to the use of
his House. Also an Abbot shall
not be charged for the debt of
his Monk before his entry in
Religion, though the Creditor
have an especialty thereof, except
it have come to the use of his
House; but the Executors
of the Monk shall be charged
therewith.

Look for this in the Abridge-
ments, the same Title, under
which you shall see that some
of them were electives, some pre-
sentative; and how they were
made Governours, and their
Authority. And in this Title
are also comprehended all other
Corporations Spiritual, as
Prior and his Covent, Friars
and Canons, Dean and Chap-
ter.

Abbe.

A Bbe sult le Sovereign
Teste ou Principale de
ceux Measons queux quant
ils estoient fuerot appel Ab-
beys; & cest Abbe ove les
Moignes de mesme le Meason,
queux fueront appel le Co-
vent, fiere un Corporal'. Et
tiel Sovereign de ascun tiel
Meason ne serra charge pur
le Act de son Predecessor, si
ne soit per common Seal, ne
pur tiel chose que vient al use
de son Meason. Auxy un Abbe
ne serra charge pur le det en
que son Commoign sult en
det devant son entre en Reli-
gion, mesque le Creditor ad
de ceo un especialty, si non
que il avoit devenus al use d'
son Meason: mes les Exe-
cutors del Commoigne serra
charge ove ceo.

Vide q; ceo en le Abridg-
ment, mesme title, desouth
quel veies coment ascuns de
ceux fueront elective, ascuns
presentative; & coment fu-
eront Prefects, & lour autho-
rity. Et en cel title sont
auxy comprehend tous au-
ters Corporations Spiritual,
come Prior & son Covent,
Friars & Canons, Dean &
Chapter.

Abettors.

A Bettors sont in divers cas-
ses diversment prise. Un
kind de Abettors sont ceux
q; maliciously, sans droit
cause ou desert, procur' aut'
de suer faux Appeals de
Murder ou Felony envers
hommes, al intent de troubler
& griever eux, & pur fair
eux en infamy & slander.
Abettors en Murd' sont ceux
q; command, procur', coun-
sel, ou comfort aut' de Mur-
der. Et en ascun case tiel A-
bettors seront prise come
Principals, & en ascun case
forsque come Accessories: Il-
sint en auter Felonies. Et leur
presence a le chose fait, &
leur absence d' la suit u differ-
rence en le case. Il y ad A-
bettors auxy en Treason, mes ils
sont come Principals, car en
Treason il ny ad ascun Ac-
cessories.

Vies plus de ceo en le
Livre appelle *Les Pleas del
Corone*, compile per le tres re-
verend Judge Sir W. Stamf.
en les titles de *Accessories*, &
Damages en appeal.

Abeyance.

A Beyance est quant un Lease
est fait, par Term de
vie, le Remainder al droit
Heirs de J. S. que est en vie
al temps del Grant: ore
Per cest Grant le Remainder

Abettors.

A Bettors are in divers Cases
diversly taken. One kind
of Bettors are they that mali-
ciously, without just cause or de-
sert, do procure others to sue
false Appeals of Murder, or
felony against men, to the in-
tent to trouble and grieve them,
and to bring them to infamy
and slander. Bettors in Mur-
ders are those that command or
procure counsel, or comfort others
to Murder. And in some case
Bettors shall be taken as
Principals, and in some case
but as Accessories: So in o-
ther felonies. And their pre-
sence at the deed doing, and
their absence makes a difference
in the case: There are Bettors
also in Treason, but they are
as Principals, for in Treason
there are no Accessories.

See more in the Book cal-
led Pleas of the Crown, made by
the Reverend Judge Sir W.
Stamford, in the Titles of Ac-
cessories, and Damages in Ap-
peal.

Abeyance.

A Beyance is, when a Lease
is made for term of life,
the Remainder to the right
Heirs of J. S. who is living at
the time of the Grant: now
by this Grant the Remainder
passes

passes from the Grantor presently, yet it vests not presently, nor takes hold in the Grantee, that is, the right Heir of J. S. but is said to be in Abeyance, or, as the Logicians term it, in posse, or in understanding, and, as we say, in the Clouds, that is, in the Consideration of the Law, That if J. S. die, having a right Heir, and giving the Lessee for life, then this is a good Remainder, and now vests and comes to the right Heir, in such sort as, that he may grant, forfeit, or otherwise dispose the same, and ceases to be any more in Abeyance, for that there is one now of ability to take it, because J. S. is dead, and hath left a right Heir in life; which could not be living J. S. for that during his life none could properly be said to be his Heir. Also if a man be Patron of a Church, and presents one to the same, now the Fee of the Lands and Tenements pertaining to the Rectory is in the Parson: But if the Parson die, and the Church become void, then is the Fee in Abeyance, until there be a new Parson presented, admitted and inducted; for the Patron hath not the Fee, but only the right to present, and the Fee is in the Incumbent that is presented, and after his death it is in no body, but in Abeyance, till there be a

passa hors-del Grantor maintenant, unc' il ne vesta maintenant, ne prist effect en le Grantee cest a dire, le droit Heir d' J. S. mes est dit destre en *abeyance*, ou, come les Logiciens appelle ceo, *in potentia*, ou *in intellectu*, &, come nous dicimus, *in nubibus*, cest a sçavoir, en le consideration de Ley, Que si J. S. morust, ayant un droit Heir en vie, & vivant le Lessee pur vie, donques ceo est un bone Remainder, & a ore veste, & vient en le dit droit Heir, en tiel sort, que il poit grant, forfeit, ou autrement dispose ceo, & cessa destre ore en *abeyance* pur ceo que il est un a ore de ability pur preder ceo, pur ceo q; J. S. est mort, & ad relinquis un droit Heir en vie; loquel ne poit estre vivant J. S. car durant son vie nul poit ppmēt eē dit son Heir. Item si un hom' soit patron dun Esglis, & present aur' a ceo, ore est le Fees des ter' ou Tenements pertaignant al Rectory en le Parson: mes si le Parson morust, & le Esglise est devenu void, donque est le Fee en *abeyance*, tanque il soit un novel Parson present, admit & induct; car le Patron nad le Fee, mes solement le droit de presenter, & le Fee est en le Incumbent que est present, & puis son mort il nest en aucun, mes en *Abeyance*, tanque il soit un

novel Incumbent, come est
avant dit.

Vies Litt' Lib, 3. c. 11. fo.
145. & Perk. fo. 12.

Abisherfing.

A Bisherfing (& en alcun
Copies Misherfing) est,
quiet' esse de Amerciamentis
coram quibuscunque de Trans-
gressione probata.

Abjuration.

A Bjuration est un Sere-
ment que home ou
feme pregnount quant ils
ount commisse Felony, &
fue al Esglise, ou Cimito-
ry, ou autre lieu privi-
ledge, pur ruicion de lour
vies, essiant pluistost per-
petual Banishment hors de
Royalm, que a esloyer a
le Ley, & deslire trie del
Felony: En cel case, de-
vant le Coroner il ferrà tiel
confession que poir faire
sufficient enditement de Fe-
lony: donques le Coroner
al Common Ley luy ferrà
de abjure la Realm, & assi-
guera a luy a quel il alera;
& luy jura, que il ne va
hors del haut chemin, &
que il ne demurra a le
Port (si il poit aver bone
passage) forsque un flood
& un ebb; & si il ne
poit aver passage, que il
alera chescun jour, durant
xl. jours, en le Mere a son

new Incumbent, as is afore-
said.

See Litt. Lib. 3 cap. 11. fo. 145.
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Abjuration.

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a Man or Woman shall
take when they have commit-
ted Felony, and fly to the
Church, or Church-yard, or
to any other place privileged
for safeguard of their lives,
chusing rather perpetual Ba-
nishment out of the Realm,
than to stand to the Law, and
be tryed for the Felony: In
which Case, before the Cor-
oner he shall make such Con-
fession which may make a
sufficient Inditement of Fe-
lony: Then the Coroner at the
Common Law shall make
him forswear the Realm, and
assign to him what Port
he shall go, and shall swear
him that he go not out of the
High way, and that he abide
not at the Port (if he may
have good passage) above one
flood and one ebb; and if
he cannot have Passage, then
he shall go every day during
xl. days, in the Sea to the
knees.

knees. But if such a Felon as abjures goes out of the High way, and flies to another place, if he be taken, he shall be brought before the Judge, and there shall have Judgment to be hanged.

And if he who so prays the privilege will not abjure, then he shall have the privilege for xl. days, and every man may give him meat and drink. And if any give him sustenance after xl. days, although it be his wife, such giving is Felony. Also he that doth abjure shall be delivered from one Constable to another, and from one Franchise to another, till he come to his Port: and if the Constable will not receive him, he shall be grievously amerced. See the Oath in the Treatise De abjuracione Latronum.

This Law was instituted by S. Edward the Confessor, a King of this Realm before the Conquest, and was grounded upon the Law of mercy, and for the Love and Reverence he and others his Successors did bear unto the House of God, or place of Prayer and Administration of his Word and Sacraments, which we call the Church. Note, this Law is now changed by the Statutes 21 H. 8. cap. 2. 22 H. 8. cap. 14. and 32 H. 8. cap. 12. by which it appears, that he at this day shall not abjure the Realm, but all his Liberty of this Realm, and all his liberal and

genue. Mes si tel Felon que abjure ala hors de la chemin & sua a autre lieu, si il soit prise, il serra amene devant le Judge, & il a vera judgment estre pendus.

Et si que l'homme prie la privilege ne voile abjure, donques il a vera privilege pur xl. jours, & chescun poit luy doner viand. Et si aucun done luy viand apres xl. jours, mesque il soit sa Feme, riel doner est Felony. Auxy cestuy que abjure serra deliver per un Constable al autre, & de un Franchise al autre tanque il vient a son Port. Et si le Constable ne voit recevoir luy, il serra grievouement amerce. Vide Juramentum in tractatu De abjuracione Latronum.

Cest Ley fuit instituee per S. Edward le Confessor, un Roy de cest Realm devant le Conquest, & fuit ground de le Ley de merce, & par le amour & reverence que il & apres les Successors porteront al Meason de Dieu, ou lieu de Prayers & administration de son parol & Sacraments, le quel nous appellons Eglise. Note, cel Ley est ore changee per Statutes 21 H. 8. cap. 2. 22 H. 8. cap. 14. & 32 H. 8. cap. 12. par queux appiert, que il a cel jour ne abjurera le Realm, mes tout son liberty de cest Realm & tout son liberal & frank

novel Incumbent, come est
avant dir.

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genue. Mes si tel Felon que abjure ala hors de la chemin & sua a auter lieu, si il soit prise, il serra amesne devant le Judge, & la vera judgment desirer pendus.

Et si luy que issint par la privilege ne volet abjure, donques il avera privilege pur xl. jours, & chescun poit luy doner viand. Et si aucun done luy viand apres xl. jours, mesque il soit sa Feme, tel doner est Felony. Auxy cestuy que abjure serra deliver per un Constable al auter, & de un Franchise al auter tanque il vient a son Port: Et si le Constable ne voit recevoir luy, il serra grievement amerce. Vide Juramentum in tractatu De abjuracione Latronum.

Cest Ley suit instituee per S. Edward le Confessor, un Roy de cest Realm devant le Conquest, & suit ground de le Ley de merce, & par le amour & reverence que il & auters ses Successors porteront al Meason de Dieu, ou lieu de Prayers & administration de son parol & Sacraments, le quel nous appellon l'Eglise. Note, cel Ley est ore change per Statutes 21 H. 8. cap. 2. 22 H. 8. cap. 14. & 32 H. 8. cap. 12. per queux appiert, que il a cel jour ne abjurera le Realm, mes tout son liberty de cest Realm & tout son liberal & frank

frank habitations, resorts, & passage de tous lieux de cest Realm, a un certain lieu en cel Realm a ceo limit per 32 H. 8. c. 13. & 33 H. 8. c. 15. Vide plus in Stamf. li. 2. c. 104 & vide ore le Stat. 1 Jac. c. 25. & 21 Jac. c. 28. pur repeal de tous Statutes q; concern persons q; abjure, & le toller des tous Sanctuaries.

Veies le Stat. de 35 El. cap. 1, 2. pur Abjuration de Recusants, & Stat. 1 Jac. cap. 25.

Abridgement de Plaint ou Demand.

A Bridgement de Plaint ou Demand est lou un port un Assise, Brief de Dower, brief de Gard, ou tiel semblables: en queux cases pur ceo q; le brief de Assise est, *de libero tenemento*, come en brief de Dower, le brief est, *Rationabilem dotem que contingit de libero tenemento w. son baron*, & en un brief de Gard le brief est, *Custod' terrarum & heredis*, &c. sans monstre ascun auter certainty en les Briefs; mes en le Plaint del Assise, ou Demand en le brief de Dower, & en le Count en brief de Gard, le Plainiff ou Demandant monstra le certainty des acres ou parcells de Terre: la si le Tenant plead Nontenure, ou Joyntenancy, ou ascun auter tiel semblable plea, a parcel del ter' demad,

free habitations, resorts, and passages from all places of this Realm, to one certain place in this Realm thereto limited by 32 H. 8. cap. 13. and 33 H. 8. c. 15. See more in Stamf. li. 2. c. 104 and see the Statutes 1 Jac. c. 25. and 21 Jac. c. 28. for the repeal of all Statutes concerning Abjured persons, and the taking away of all Sanctuaries.

See the Statutes of 35 El. chap. 12. for the Abjuration of Recusants, and Stat. 1 Jac. c. 25.

Abridgement of a Plaint or Demand.

A Bridgement of a Plaint or Demand is, where one brings an Assise, Writ of Dower, Writ of Ward, or such like: in which cases, for that the Writ of Assise is, *de libero tenemento*, as in a Writ of Dower, the Writ is, *Rationabilem dotem que contingit de libero tenemento w. her husband*, and in a Writ of Ward the Writ is, *Custod' terrarum & heredis*, &c. without shewing any certainty in these Writs; but in the Plaint of the Assise, or Demand in the Writ of Dower, and in the count in the Writ of Ward, the Plainiff or Demandant is to shew the certainty of the acres or parcels of Land: then if the Tenant pleads Nontenure, or Joyntenancy, or some other such like Plea, to parcel of the Land demanded, in abatement of

of the Writ, the Plaintiff or Demandant may abridge his Plaint or Demand to that Parcel, that is, he may leave out that part, and pray that the Tenant may answer the rest, to which he hath not yet pleaded any thing. The cause is, for that in such Writs the certainty is not set down, but is generally: and notwithstanding the Demandant hath abridged his Plaint or Demand in part, yet the Writ remains good still for the rest.

Accedas ad Curiam.

Accedas ad Curiam is a Writ directed to the Sheriff, commanding him to go to such a Court of some Lord, or Franchise, where a Plaint is sued for taking of beasts as a Distress, or any false Judgment is supposed to be made in any Suit in such a Court, which is not of Record; and that the Sheriff shall there make Record of the said Suit, in presence of the Suitors of the same Court, and of four other Knights of the County, and certify it into the Kings Court, and at the day that is limited in the Writ.

This Writ is made out of Chancery, and returnable into the Kings Bench or Common Pleas.

ē abateint del brēle Plaintiff ou Demandant poit abridger son Plaint ou Demand al cest parcel, cest adire, il poit omit hors cest part, & prie que le Tenant responde al rest, a q il ne ad unē plede ascun chose. Le cause est, p ceo q en tielx Briefs le certainty nest mis, mes est generalment: & nient obstant le Demandant ad abridge son Plaint ou Demand en part; uncore le Brief demurre bone pur le residue.

Accedas ad Curiam.

Accedas ad Curiam est un Brief direct al Vicount, luy commandant de aler a tiel Court d ascun Seignior ou Franchise, lou un Plaint est sue pur prisel del avers come Distress, ou ascun faux judgment est suppose desre fait en asc Suit ē tiel Court, quel nest d Record; & q le Vicont la ferra Record del dit Suit ē presence del Sutors d mesme le Court, & de quatuor autres Chivalers de le County, & ceo Record certifiera al Court le Roy, & a cel jour quel est assigne en le Brief.

Cest Brē est fait hors del Chancery, & returnable in Banco Regis ou en le Common Pleas.

Accedas

Accedas ad Vicecomitem.

Accedas ad Vicecomitem est un Brief direct al Coroner, luy commandant a deliver un Brief al Vicont, q̄ aiant un Pone a luy deliver, ceo suppressie. *Regist. orig. 83.*

Acceptance.

Accptance est un predrance en bone gree, & come un Agreement al ascun chose fait devānt, le quel puit aver este ū fait & avoid (si tiel Acceptance nad estre) per luy ou ceux que issint accepta: p̄ example, si un Evesque, devant Statute fait anno primo Eliz. lesse part del possessions de son Evesquery pur ans, reservant Rent, & morust, & puis un autre est fait Evesq̄, le quel accept, cest adire, prist ou receive le Rent quāt il est due & doit estre pay; ore p̄ cest Acceptance le Lease est fait perfect & bone, le quel autrement le novel Evesque poit assers bien avoid.

Semblable Ley est, si un home & sa feme, seisie d̄ Ter en droit del feme, joyn & sont Lease ou Feoffment per Fait reservant Rent, & le baron morust, el accepta ou receive le Rent: p̄ cel le Feoffment ou Lease est fait perfect & bone, & serra bar a luy de porter *cui in vita.*

Accedas ad Vicecomitem.

Accedas ad Vicecomitem is a writ directed to the Coroner, commanding him to deliver a writ to the Sheriff, who having a Pone delibered him, suppresses it. *Regist. orig. 8. 3.*

Acceptance.

Accptance is a taking in good part, and as it were an Agreeing unto some act done before, which might have been undone and avoided (if such Acceptance had not been) by him or them that so accepted; for example, if a Bishop, before the Statute made i. Eliz. lease part of the possessions of his Bishoprick for term of years, reserving rent, and dies, and after another is made Bishop, who accepts, that is, takes or receives the Rent when it is due and ought to be paid; now by this Acceptance the Lease is made perfect and good, which else the new Bishop might very well have avoided.

The like law is, if a man and his wife seised of Land in right of the wife, joyn and make a Lease or Feoffment by Deed, reserving rent, and the husband dies, she accepts or receives the rent; by this the Feoffment or Lease is made perfect and good, and shall bar her of bringing a *Cui in vita.*

Acces-

Accessories.

Accessories are of two sorts by the Common Law, and by the Statute Law. Accessory by the Common Law is also of two sorts, the one before the offence is done, the other after. Accessory before the fact is he that counsels or procures another to do felony, and is not there present himself when the other does it; but if he be present, then he is called Principal. Accessory after the offence is he that receives, favours, aids, assists, or comforts any man that hath done any Murder or Felony, whereof he hath knowledge. Such an Accessory shall be punished, and shall have judgment of life and member, as well as the Principal which did the felony: but such an Accessory shall never be put to answer that till the Principal be attaint or convict, or be outlawed thereupon. In Manslaughter a man cannot be Accessory before the fact, for Manslaughter ought to ensue upon a sudden debate or affray; for if it be premeditated, it is Murder, Co. l. 4. fo. 44. a.

But a Woman in such case shall not be Accessory for helping her husband. In great or high Treason, as well the commanders as the Assistants and receivers are always Principals.

If a man counsels a Woman to murder the child in her bo-

Accessories.

Accessories sont en deux sorts p le Common Ley, & p le Statute Ley. Accessory p le Common Ley est auxy en deux sorts, lun avant le fait est fait, le autre puis. Accessory devant le fait est celuy que commanda ou procura auter d faire Felony, & nest la present luy mesme quant l'auter le fait; mes sil soit preset donques il est auxy Principal. Accessory puis le fait est celuy que receiva, favour, alda, assist, ou confort aucun home que ad fait aucun Murder ou Felony dont il ad conusans. Tiel Accessory serra punish, & avera judgment d vie & d member, auxy biẽ come le Principal q fist le Felony: mes tiel Accessory ne serra jammes mis a resõdu a ceo tanq; le Principal soit cõvict ou attaint, ou soit utlage de ceo. Manslaughter home ne poit eẽ Accessory devãt le fait, car Manslaughter coviẽt ensuer sur sodain debate ou affray; car si soit premeditate ceo est Murdr. Co. l. 4. f. 44. a.

Mes un feme en tiel case ne serra Accessory p le alder de son baron. En grand ou hault Treason, cibien les cõmanders come les assisters & receivers sont tout foits Principals.

Si home counsel un feme a murder lenfant en sa ven-

ter,

ter, & apres l'enfant est nee, & donque est murder per le feme en le absence de cestuy que issint done le counsel; uncore il est Accessory p son counselling devāt le nestē del enfant, & nient ceo countermandant *Dyer* fo. 186. pl. 2.

Auxy un poit estre accessory al Accessor; si come un feloniousmēt receive un aut' q est accessory al Felony, la le Receiver est un Accessory.

Accessory per le Statute est tel que aber, counsel ou receive ascun home que commit, ou ad commit ascun offence fait Felony per Statute: Car coment que le Statute ne fait mention d Accessories, Abettors, &c. uncore ils sont include p le interpretation des dits Stat. *Stamf. Pl. corl.* 1. c. 45, 46, 47, 48.

Vies plus del Accessory in le dit Livre de les Plets, l. 1. cap. 44, 49, & 50.

Accompt.

Accompt est un Brief, & gist lou Bailiff ou Receiver dascun Seignr, ou daut' hom, q doit render Accompt, ne vnit render son Accompt; donques celui a q l'Accompt doit estre render avera cest Brief. Ex per le Statute de *Westm.* 2. c. 10. si le Accomptant soit trove en arrearages, les Auditors q sont a luy assignes ont power de agarder luy a prison, la a demurrer

by, and after the child is born, and then is Murthered by the woman in the absence of him that so gave the counsel; yet he is Accessory by his counselling before the birth of the Infant, and not countermanding it. *Dyer* fo. 186. pl. 2.

Also one may be Accessory to an Accessory; as if one feloniously receive another that is accessory to felony, there the Receiver is an Accessory.

Accessory by the Statute is such an one as abets, counsels or receives any man who commits, or hath committed any offence made felony by Statute: For although the Statute doth not make mention of Accessories, Abettors, &c. yet they are included by the interpretation of the said Statutes. *Stamf. Pl. corl.* 1. c. 45, 46, 47, 48.

See more of Accessory in the said Book of Plets, lib. 1. cap. 44, 59, & 50.

Accompt.

Accompt is a Writ, and it lies where a Bailiff or Receiver to any Lord, or other man, who ought to render Accompt, will not give his Accompt; then he to whom the Accompt ought to be given shall have this Writ. And by the Statute of *Westm.* 2. c. 10. if the Accomptant be found in arrearages, the Auditors that are assigned to him have power to award him to prison, there to abide

abide till he have made satisfaction to the party. But if the Auditors will not allow reasonable expence and costs, or if they charge him with more receipts than they ought, then his next friend that will sue for him shall sue a Writ of Ex parte talis out of the Chancery directed to the Sherif, to take four Mainpernors to bring his body before the Barons of the Exchequer at a certain day, and to warn the Lord to appear there the same day.

Accord.

Accord is an agreement between two at the least, to satisfy an offence or Trespas that the one hath made to the other, for which he hath agreed to satisfy and content him with some Recompence; which if it be executed and performed, then, because this Recompence is a full satisfaction for the offence, it shall be a good bar in Law, if the other after the Accord performed, should sue again any Action for the same Trespas.

Note, that the first is properly called an Accord, the other a Contract.

Acquital.

Acquital is where there is a Lord, Mesne, and Tenant, and the Tenant holds of the Mesne certain Lands or Tenements in Frank-almoign, Frank-marriage, or such like

ranque il ad fait gree al party. Mes si les Auditors ne voylont allower reasonable expence & costage, ou s'ils chargeront luy ove plusors receipts quant ne dussent, donques son pchein amy q volt suer pur luy, suera un Brief d Ex parte talis hors del Chancery, direct al Vlc d prèder 4 Mainpernors de render son corps devant les Barons del Exchequer a certain jour, & d garner le Seignior de appear la a mesme le jour.

Accord.

Accord est un Agreement parent' deux al meins, p satisfie un offence ou Trespas que le un ad fait al aut', p le quel il ad agree de satisfaire & content luy ove Recompence; quel si solt execut' & performe, donques p ceo que cest Recompence est un plene satisfaction pur le Offence, serra un bone bar en le Ley, si l'auter, apres l' Accord perform, volt suer arriere un Action p mesme le Trespas.

Nora, q le primer est properment appelle un Accord, le auter est un Contract.

Acquital.

Acquital est quant la est Seignior, Mesne, & Tenant, & le Tenant tient de le Mesne certain Tefs ou Tenements en Frank-almoign, Frank-marriage, ou tiels semblables

blables, & le Mesne tēt oustir
auxy de Seignior paramount,
ou deluis luy. Ore doit le
Mesne acquit ou dis charge le
Tenant d tout & chescun man
de Service q aucun autre voit
aver ou demand d luy concer
nāt mesmes les Terres ou Te
nements, pur ceo q le Te
nant doit fair le service a le
Mesne tant solcīr, & nemy
al divers Seigniors, p un Te
nement ou parcel del Terre.
Mesme le Ley est ou il est Se
ign, Mesne, & Tenant come
avant dit, & le Mesne grāt al
Tenant (sur le tenuē fait pē
eux) p acquit & discharge
luy de tous Rents, Services,
& tiel semblables. Ceo Dis
charge est appel *Acquital*.

Mesme le ley est, si Tenant
tient de son Mesne p autiels
Services, come le mesne tient
oustir del Seignior, & le Te
nant fait ou paye Services al
Mesne, mes le Mesne ne se
fait ses Services al Seignior
paramount, p que il distrain
les Beasts del Tenant. En cel
case le Mesne, per le overlic
des Services, doit acquit le
Tenant del Services due al
Seignr. Auxy la est *Acquital*
in ley, & *Acquital in fait*. *Ac*
quital in ley est, ou deux sont
appel ou endict de Felony,
lun cōc Principal, l'auter cōc
Accessory; le Principal este
ant discharge, le Accessory p
consequence est auxy acquit.
Et en cest case, si come l' *Ac*
cessory est acquit per le Ley,

and the Mesne holds ober al
so of the Lord paramount, or
above him. Now ought the
Mesne to acquit or discharge
the Tenant of all and every
manner of Service that any
other would have and demand of
him concerning the same Lands
or Tenements, because the Te
nant must do his Service to the
Mesne only, and not to divers
Lords, for one Tenement or par
cel of Land. The same Law is
where there is Lord, Mesne, and
Tenant, as aforesaid, and the
Mesne grants to the Tenant
(upon the tenure made between
them) to acquit and discharge
him of all Rents, Services, and
such like. This Discharge is
called *Acquital*.

Like Law is, if the Tenant
holds of his Mesne by like Ser
vice, as the Mesne holds ober
of the Lord; and the Tenant
doth, or pays his Services to
the Mesne, but the Mesne doth
not his Services to the chief
Lord, wherefore he distrains the
Beasts of the Tenant. In this
case the Mesne, for the equalness
of the Services, ought to acquit
the Tenant of the Service due
unto the Lord. Also there is
Acquital in Law, & *acquital in fact*.
Acquital in Law is, when two
are appealed or indicted of felo
ny, the one as Principal, the
other as Accessory; the Prin
cipal being discharged, the *Ac*
cessory by consequence is also ac
quitted: And in this case, as
the Accessory is acquitted by the
Law,

Law, so is the Principal in
Fact. Stamf. pl. cor. fol. 168.

issint est le Principal & Fait,
Stamf. pl. cor. fol. 168.

Acquittance.

A Acquittance is a Discharge in Writing of a Sum of money, other Duty which ought to be paid or done. As if one be bound to pay money upon Obligation, or Rent reserved upon a Lease, or such like, and the party to whom the money or duty should be paid or done, upon the Receipt thereof, or upon other agreement between them had, makes a Writing or Bill of his hand in discharge thereof, witnessing that he is paid, or otherwise contented, and therefore doth acquit and discharge him of the same. Which Acquittance is such a Discharge and Bar in the Law, that he cannot demand and recover the sum or duty again, if he produce the Acquittance.

This word differs from that which in the Civil Law is called Acceptation, because that may be by word without writing, and is nothing but a feigned Payment and discharge, though no payment be had: Nor can it be said to be Apocha, which is a witnessing the payment or delivery of money, which discharges not unless the money be paid.

Acquittance.

A Acquittance est un Discharge en escript d'un Sum de money, ou autre duty q doit estre pay ou fait. Sicome un soit obligé de payer money sur un obligation, ou Rent reserve sur un Lease, ou tiel semblable, & le party a que le money ou duty doit estre pay ou fait sur le recet de ceo, ou sur autre agreement perentier eux ewe, fait Escrip ou Bill de son mayne en discharge de ceo, testimoni- gnant q il est pay, ou autrement content, & par ceo acquit & discharge luy de ceo. Le quel Acquittance est tiel Discharge & Bar en la Ley, q il ne poit demand & recover nī le Sum ou duty aut foits, sil poit monstre le Acquittance.

Cest parol differt ab hoc quod in Jure Civili Acceptatio dicitur, quia illud fieri potest verbo sine scripto, & nihil aliud est quam ficta Solutio & Liberatio, licet Solutio non sit: Nec Apocha dici potest, quæ cautio est solute dateve pecunie, quæ non liberat nisi pecunia soluta sit.

Acre.

Acre est un certain parcel de Terre que contain en longueur 40 Perches, & en latitude 4 Perches, ou a cest quantite soit le longueur plus ou meins. Et si un hōe volle erect un novel Cottage, il devoit amitter quarter Acres de terre a ceo, selonq̄ cest mesure, 31 Eliz. cap. 7. Et ove cest mesure agree Mounſieur Crompton ē son *Jurisdiction de Courts* fol. 222. Uncore il dit que, selonque les divers customs de ſeveral pals, le Perch differt eſleāt en aſc̄ lieux (& plus uſualm̄t) forſque dixſize pees & demi: Mes en le Countie de Staff. le Perch est vint quat' pees cōm̄ ſult cy devāt adjudge en le Exchequer. En Stat' fait añ 24 H. 8. ca. 14. p̄ ēbleēm̄t d̄ Flax, 160 Perches font ū Acre, le Ordinance de admeasurement de terre fait añ. 34 E. 1. Stat. 1. agree ove cest account.

Action.

Action est le forme de un Suit dōe per le Ley de recover chose, come Actio de Dett, & tielx. ſemblabe; ou come est Co. 8. f. 151. a. *Actio est jus proſequendi in judic' quod alicui debetur.*

Vide *Lexicon juris*, pur *Action.*

Acre.

Acre is a certain parcel of Land that contains in length forty Perches, and in breadth four Perches, or of this quantity, be the length more or less. And if a man will erect a new Cottage, he ought to lay four Acres of Land unto it, according to this measure, 31 Eliz. cap. 7. And with this measure agrees Master Crompton in his *Jurisdiction of Courts*, fol. 222. Yet he saith, that according to divers customs of ſeveral Countries, the Perch differs, being in some places (and most usually) but ſixteen foot and an half: But in the County of Stafford the Perch is twenty four foot, as was heretofore adjudged in the Exchequer. In the Stat. made añ. 24 H. 8. c. 14 for the solving of Flax 166 Perches make an Acre. The Ordinance of Measuring of land made añ. 34 E. 1. St. 1. agrees with this account.

Action.

Action is the form of a Suit given by the Law to recover a thing; as an Action of Debt and such like; or as it is Co. 8. f. 151 a. In Action is a right of prosecuting to judgment that which is due to any one.

See the *Lexicon of the Law*, for Action.

Action

Action of a Writ.

Action of a Writ is a phrase of speech used when one pleads some matter, by which he shewes that the Plaintiff had no cause to have the writ which he brought, and yet it may be that he may have another writ or Action for the same matter. Such a Plea is called a Plea to the Action of the Writ: whereas if by the Plea it should appear that the Plaintiff hath no cause to have an Action for the thing demanded, then it shall be called a Plea to the Action.

Action upon the Case.

Action upon the Case is a writ brought against one for an offence done without force, as for not performing promise made by the Defendant to the Plaintiff, or for speaking of words by which the Plaintiff is defamed, or for other misdemeanours or deceit; where the whole case shall be contained in the Writ.

Trover, Nuisance, Slander of the person, Trade, Title, Escape on mesne Process; for negligent keeping fire, for inartificial performing work, for turning an ancient Watercourse, for a Commoner against one who digs the soil of his Common, or puts his Cattel into it without right, or incloses part of the Common.

Action del Brief.

Action del Brief est un phrase del parlance use quant un plead ascun matter, per que il monstre que le Plaintiff nad cause daver le Bré q il port, & un poit estre q il poit aver auter Brief ou Action p mesme le matter. Tiel Plea est appel *Plea al Action del Brief*: Iba si p la Plea appiert q le Plain' naverroit asc cause de aver ascun Action pur le chose demand, donques ceo serra ist Plea al Action.

Action sur le Case.

Action sur le case est Brief port envers un pur ascun offence fait sans force; come p nient pformace del Promise fait ple Defendant al Plaintiff, ou pur parlance des parols p queux le Plaintiff est defame, ou pur aut' misdemeanor ou deceit; Iou tout le case serra contenu en le Brief.

Trover, Nuisance Slander de person, Trade, de Title, Escape sur mesne process, p negligent garder de son feu, pur inartificialment performando opera, pro divertendo antiquum cursum aque, pro Commoner vers un q foder le soil del Common ou enjetta ses avers en ceo sance droit on inclose parcel de le Common.

Action mixt.

Action mixt est un Suit done per le Ley de recover le chose demand, & deimages p le tort fait; come en *Assise de nov' disseisin*. Quel Brē (si le Disseissor fait Feoffmēt al auter) le Disseissee avera vers le Disseissor & le Feoffee ou aut' ter-tenāt, & en ceo recoversa son Seisin del tē, & ses damages p le mean pfts, & p le tort a luy fait. Et issint est un *Action d' waste & Quare impedit*. Mes ū *Action de Detinue* nest appel *Action mixt*, comment p ceo le chose detenus est demand, & serra recover si poit eē trouve, & damages p le detain; & si ne poit estre trouve, donque damages p la chose & le detainer.

Mes ceo est appel solement *Action personal*, que serra port solement pur biens, ou Chattels ou Charters.

Action sur le Statute.

Action sur le Statute est Brief foundu sur ascun Statute, lou per ascun Statute *Action* est done a un en ascun case lou nul tiel *Action* fuit devant: Come lou un commit Perjury al prejudice dū auter celuy q̄ est damnifié avera Brief sur le Statute & son Case. Et le difference enter

Action mixt.

Action mixt is a Suit given by the Law to recover the thing demanded, and damages for the wrong done; as in Ass of Novel dis. which writ (if the Disseisor make a Feoffm. to another) the Disseissee shall have against the Disseisor and the Feoffee or other Tenant, and thereby shall recover his Seisin of the land, and his damages for the mean profits, and for the wrong done him. And so is an *Action of Waste & Quare impedit*. But an *Action of Detinue* is not called an *Action mixt*, although by it the thing withheld is demanded, and shall be recovered if it may be found, and damages for the withholding; and if it cannot be found, then damages for the thing and the detaining.

But that is called only an *Action personal*, because it should be brought only for Goods and Chattels, or Charters.

Action upon the Statute.

Action upon the Statute is a writ founded upon any Statute whereby an *Action* is given to one in any case where no action was before: As where one commits perjury to the prejudice of another, who is thus damaged shall have a writ upon the Statute, and his case. And the difference between an *Action* upon

upon the Statute and Action popular is, That where the Statute gives the Suit or Action to the party grieved, or otherwise to one person certain, that is called Action upon the Statute: But where by the Statute Authority is given to every one that will to sue, that is termed Action popular.

ACTIONS personal.

ACTIONS personal are such Actions whereby a man claims debt, or other Goods and Chattels, or damage for them, or damages for wrong done to his person, and it is properly that which in the Civil Law is called *Actio in personam*, which is brought against him who is bound by Covenant or Default to give or grant any thing.

Action Popular.

ACTION popular is an Action given upon the breach of some penal Statute, which Action every man that will may sue for himself and the King, by information or otherwise, as the Statute allows, and the case requires. And of these Actions there are an infinite number; but one for example: as when any of the Jury, that are impanelled and sworn to pass between party and party indifferently, do take any thing of the one side or other or of both parties, to say their Verdicts on that

Actio sur le Statute & Action popular est, Que lou le Statute done le Suit ou Actio al party grieve, ou auterment a un person certain, ceo est appel *Actio sur le Statute*: Mes lou per le Statute authority est done a chescun que voile de suer, ceo est appel *Actio popular*.

Actions personal.

ACTIONS personal sont tiel^s Actions p^r queux hom^es claime dette, ou auter bien^s & chateux, ou da^mag^e p^r eux, ou damage p^r tort fait a son p^{er}son: & est proprement c^e q^{ue} est le Civil Ley est appel *Actio in personam*, que *adversus eum intenditur qui ex Contractu vel Delicto obligatus est aliquid dare vel concedere*.

Action popular.

ACTION popular est un Actio que est done sur le breach d'aucun penal Statute, le quel Action chescun home que vult poit suer per luy mesme & le Roy, per information ou auterment, come le Statute allow, & le case require. Et d^e ceux Actions il y ad infinite number; mes un pur exemple est: Quant aucun del Jury, que sont impanel & jurs de passer perenter par y & party indifferement priist aucun chose de lun part ou l'auter, ou de ambideux parties

ties pur leur Verdict dire al
eco part, donques aucun hom̃
q̃ voit, deins lan prochaine
ensuant le offence, poit suer
un brief appel *Decies tantum*
envers luy ou ceux que il
sint prist p̃ leur Verdict dire.
Et pur ceo q̃ cest Action nest
done al un home specialment,
mes generalm̃ al aucun des les
people del Roy q̃ voit suer, il
est appelũ *Act̃ popular*. Mes en
cel case quāt ũ avoit cōmence
d̃ p̃suer cel Act̃, nul aut' poit
ē suer, & ē ē, cōe seē, cel va-
ry d̃l act̃ popul' p̃ le civil ley.

side, then any man that will,
within the year following the
offence, may sue a writ called
Decies tantum against him or
them that so did take to give
his Verdict. And because this
Action is not given to one e-
specially, but generally to any
of the Kings people that will
sue, it is called an Action popu-
lar. But in this case when one
hath begun to pursue an Action,
no other may sue it; and in
this, as it seems, it varies from
an Action popular by the Civil
Law.

Actions real.

Actions real sont tiels A-
ctions p̃ queux le Demā-
dāt clame titre al aucun Tērs
ou Tenements, Rents, ou Cō-
mōs, en fee-simple, fee-tail,
ou p̃ terme d̃ vie. Chescũ A-
ctiō realest ou possessor, cest-
ascavoir, de son possession ou
seisin demesne; ou ancestrel,
sc. del seisin ou possession
de son ancestior. Co. l. 6. f. 3.

Actions real are such Actions
whereby the Demandant
claims title to any Lands or
Tenements, Rents or Com-
mons, in fee simple, fee-tail,
or for Term of life. Every
Action real is either possessory,
that is, of his own possession or
seisin; or ancestrel, scil. of the
seisin or possession of his ance-
stior. Co. lib. 6. fol. 3.

Acts.

Acts d̃ Parliament, sont Leys
positive, que consist de
deux parts, cest adire, de les
parolx del Act̃, & del sensē d̃
ceo; & ils ambideux jonyt en-
semble sont la Ley.

Acts of Parliament are pos-
itive Laws, which consist
of two parts, that is to say, of
the words of the Act, and of the
sense; and they both joyned to-
gether make the Law.

Acts.

Additions.

Additions.

Addition is that which is gi-
ben to a man besides his
proper name and Surname,
that is to shew of what Es-
tate, Degree, or Mystery he
is, and of what Town, Ham-
let, or County.

Additions of Estate are these,
Yeoman, Gentleman, Esquire,
and such like.

Additions of Degree are these
which we call names of Digni-
ty; as Knight, Earl, Mar-
quess, Duke.

Additions of Mystery, are
Scribener, Painter, Mason,
Carpenter, and all other of like
nature: for Mystery is the
craft or occupation whereby a
man gets his living.

Additions of Town, as Sale,
Dale; and so of the rest.

And where a man hath a
household in two places, he shall
be said to dwell in both of them;
so that his Addition in one of
them doth suffice.

By the Statute An. 1 H. 5. c. 5.
it was ordained that in Suits
or Actions where process of U-
tlagary lies, such Additions should
be to the name of the Defendant,
to shew his estate, mystery, and
place where he dwells; and that
such writs shall abate, if they
have not such Additions, if the
Defendant take exception there-
to; but they shall not abate by
the Office of the Court.

Additions.

Addition est ceo que est
done al home ouster son
proper nosme & surnosme, cē
adire, p monstrier de quel Es-
tate, Degree, ou Mystery il
est, & de quel Vill, Hamlet,
ou County.

Additiōs d'Estate sōt ceux,
Yeoman, Gentleman, Esquire,
& tiels samblables.

Additiōs d degree sōt ceux
q nous appelomus nosmes d
Dignity; come Chivaller,
Count, Marqueis, Duc.

Additions de Mystery sont
ceux, Scrivein, Painter, Mason,
Carpent', & tous aut's d se-
blable nature; car Mystery est
le craft ou occupation p que
home gain son living.

Additiō d Villes, cōe Sale,
Dale; & issint de les auters.

Et lou un home ad hous-
hold en deux lieux, il serra
dit demurrer en ambideux;
issint que son Addition en un
de eux suffist.

Fuit ordeine per le Statute
An. 1 H. 5. c. 5. que en Suits
ou Actions ou process d Ut-
lagary gist, tiels Additions
serra nosme del Defend', a de-
clarer son estate, mystery, &
lieu ou il inhabit; & que
tiels Briefs abateront, sils ne
ount tiels Additions, si le De-
fendant prist exception a ceo;
mes. ils ne abateront p office
del Court.

Auxy, Duke, Marſſs, Cointe, ou Chivaler, ne ſont pas de ceux Additiōs, mes noſmes d Dignity, queux duiſſoint aver eſtre done devant le Statute.

Et oco ſuit ordeine per le dit Statute, al intent que un home ne ſerroit grievé ne trouble per le Uilegarie de un auter : Mes que per reaſon d le certain Addition, cheſcun home poit eſtre certainement conus, & porter ſa burden de meſme.

Also Duke, Marquels, Earl, or Knight, are none of thoſe Additions, but names of Dignity, which ſhould have been given before the Statute.

And this was ordained by the ſaid Statute, to the intent that one man might not be grievéd nor troubled by the Uilary of another : But that by reaſon of the certain Addition, every man might be certainly known, and bear his own burthen.

Adjournment.

A Djournalment eſt, quant aſcun Court eſt diſſolve & determin a preſent, & aſſigne deſtre garde arreare al auter lieu ou temps, & (moy ſemble) eſt compound de deux parols (ad, ou al, & jour.)

Adjournment.

A Djournalment is, when any Court is diſſolved and determined for the preſent, and aſſigned to be kept again at another place or time, and (methinks) is compounded of two words (ad, or al, and jour.)

Admeaſurement de Dower.

A Dmeaſurement de Dower eſt un Brief que giſt lon un ſeme eſt endow per un Infant ou per un Gardein de plus q devoit aver ; le Heir en ſiel caſe avera ceſt Brief, per quel la ſeme ſerra admeaſure, & le Heir reſtore a le ſu: pluſage. Mes ſi un abate, ceſt adire, un que nad droit enter apres le mort de baron, & endow le ſeme de ceſtuy que eſt mort de plus que doit aver, le Heir nayera ceſt

Admeaſurement of Dower.

A Dmeaſurement of Dower is a writ that lies where a woman is endowed by an Infant or by a Guardian of more than ſhe ought to have ; the Heir in ſuch caſe ſhall have this writ, whereby the woman ſhall be admeaſured, and the Heir reſtored to the overplus. But if one abate, that is, one who hath no right enter after the death of the husband, and indow the wiſe of him that is dead, of more than ſhe ought to have, the Heir ſhall not

not have this Writ, but Affise d Mortdancellor, against the Wloman: and if she plead that she was indowd of the Land as of the Free-hold of her husband, the Heir shall shew how she was indowd by the Abator, and that she had more than she ought to have, and shall pray that he may be restored to the surplussage: and if it be found, he shall be restored.

Admeasurement of Pasture.

Admeasurement of Pasture is a Writ that lies where many Tenants have Common appendant in another ground, and one overcharges the Common with many Beasts: then the other Commoners may have this Writ against him. And also it may be brought by one Commoner only: but then it ought to be brought against all the other Commoners, against him that surcharged, so that all the Commoners shall be admeasured.

And this Writ lies not against him nor for him that hath Common appurtenant, or Common in gross: but those who have Common appendant, or Common because of vicinage.

As the diversity of all these Commons afterwards in the title of Common.

Also this Writ lies not for the Lord, nor against the Lord, but the Lord may distrain the beasts of the Tenant that

Brief, mes Affise de Mortdancellor, vers la feme: & si el plede que el suit endow de ceo terre come del Frankement sa baron, le Heir monstre coment el suit endow per le Abator, & que el ad plus que devoit aver, & priera que il soit restore al surplussage; & si soit trove, il sera restore.

Admeasurement de Pasture.

Admeasurement de Pasture est un Brief, & gist lou plusieurs Tenants ont Common append en autre ter, & un surcharge le Comon ove plusieurs avers: donques lautres Commoners poient aver cest Brief vers luy. Et auxy poit ce port p un Comon solement: mes donques covient estre port vers tous lautres Commoners & vers cestuy que surcharge, p ceo que tous les Comoners seront admeasures.

Et ceo Bre ne gist vers luy ne pur luy que ad Common appurtenant, ou Common in gross; mes ceux q ont Common appendant, ou Common per cause de vicinage.

Vide le diversity de tout ceux Commons apres en le title de Common.

Auxy cest Brief ne gist p le Seignior, ne vers le Seignior, mes le Seignior poit distraire les avers le Tenant q sont

sont surplusage. Mes si le Seignor surcharge le Common, les Commoners nont remedy per le Common Ley, mes un Assise de son Common.

Administrator.

A *Administrator* est celuy a que le Ordinary comitt le Administration des biens le mort pur default de Executor, & un Action giser vers luy, & p luy, come pur Executor, & serra charge jelsques al value des biens le mort, & nient ouster, fil ne sont p son faux Plea, ou p ceo que il ad wast les biens le mort. Si le Administrator devie, ses Executors ne sont Administrators, mes covient al Ordinary de comitter novel Administration. Et si un Estrange, que nest Administrator ne Executor, pristi les biens del mort, & administer de son tort demesne, il serra charge & sue come Executor, & nemy come Administrator, en aucun Action que est port vers luy per aucun Creditor. Mes si le Ordinary fait un Brief *ad colligendum bona defuncti*, celuy q ad tiel Lett nest Administrator, mes le Action gist vers le Ordinary, auxy bien come fil pristi le biens en son main demesne, ou p le main de aucun de des servants per aucun autre commandement.

are surplusage. But if the Lord overcharge the Common, the Commoner hath no remedy by the Common Law, but an Assise of his Common.

Administrator.

A *Administrator* is he to whom the Ordinary commits the Administration of the goods of a dead man for default of an Executor, and an Action shall lie against him, and for him, as for an Executor, and he shall be charged to the value of the Goods of the dead man, and no further, unless it be by his own false Plea, or by wasting the goods of the dead. If the Administrator die, his Executors are not Administrators, but it behoves the Ordinary to commit a new Administration. And if a stranger that is not Administrator nor Executor take the Goods of the dead, and administer of his own wrong, he shall be charged and sued as an Executor, and not as Administrator, in any Action brought against him by any Creditor. But if the Ordinary make a Letter *ad colligendum bona defuncti*, he that hath such a Letter is not Administrator, but the Action lieth against the Ordinary, as well as if he take the goods in his own hand, or by the hand of any of his servants by any other Commandment.

There

There is also another sort of Administrator, where one makes his will and makes an infant under the age of 17 his Executor. The Bishop commits Administration to some friend during the nonage of the Executor, which Administrator if he sue, does not declare that the deceased died intestate. Which Administration ceases when the Infant is 17 years old.

Admiral.

Admiral is a high Officer that has the Government of the Kings Navy, and the hearing and determining of all Causes, as well civil as criminal belonging to the Sea; and to that purpose hath his Court called the Admiralty. He may cause his Citation to be served upon the Land, and take the parties body or goods in execution upon the Land.

Also he hath cognizance of the death or maim of a man, committed in any great Ship sailing in great Rivers in the Realm, beneath the Bridges of the same next the Sea.

Also to arrest Ships in the great Streams for the Voyages of the King and Realm; and hath Jurisdiction in the said Streams during the same Voyages.

Est auxy un autre sort de Administrator, lou un fist son volunt, & fist un infant deins age de 17 son Executor. Le Evesque commit administration al ascun amy durant le nonage de le Executor, quel Administrator fil sue, ne count q le mort devy intestate, quel administration cessa quant l' enfant est 17 ans d age.

Admiral.

Admiral est un haut Officer que ad le Regiment de la Navy del Roy, & l' audition & termination de tout Causes cybien civil com criminel appartenant al Mere; & pur cest purpose il ad son Court appel le Admiralty. Il poit causer son Citation desli serve sur le Tes, & prender le corps del party ou biens en Execut' sur Terre.

Item il ad cognissance del mort ou maim de un homme, fait en ascun grand Nief fleurant en grand Rivers en le Realm, debase les Ponis de eux prochein al Mere.

Auxy p arrest Niefs en les grand Streams pur les voyages del Roy & Realm; & ad jurisdiction en les dits Streams durant mesmes Voyages.

Ad quod dampnum.

AD quod dampnum est un Brief q̄ doit estre sue devant le Roy grant certain Liberties, come Faire, Market, ou tielx semblables, q̄ux poi-
et estre prejudicial a autres. Et p̄ ceo serra inquire si serroit prejudice a granter eux, & a que serra prejudicial, & que prejudice ent avienda.

Est auxy un autre Brief de *Ad quod damnum*, si un voil divert un common chymyn, & faire un novel chymyn cy beneficial. Ambideux queux (coment trove desirer nient prejudicial) poient estre traverser en autre Action, coment que le Roy ad fait son grant pursuant al Verdict del Jury.

Advent.

ADvent est un temps que contien environ un moys p̄chein devant le Feast del Nestr de nostre Saviour Christ. En que nre Ancestors ont repose grand reverence p̄ le propinquity de cel solemn Feast, insint que tous Suits en ley fuer donques remit par un saison. Par quoy la suit un Statute ordein, *West. 1. c. 48.* que nient obstant le dit Solemnity, puit estre Loyal, en respect d Justice & Charity a prender Assises de No-

Ad quod damnum.

AD quod Damnum is a Writ which ought to be sued before the King grant certain Liberties, as a Fair, Market, or such like, which may be prejudicial to others. And thereby it shall be required if it should be a prejudice to grant them, and to whom it shall be prejudicial, and what prejudice shall come thereby.

There is also another Writ of *Ad quod damnum*, if any one will turn a Common highway and lay out another way as beneficial. Both which (though found to be prejudicial) may be traversed in another Action, although the King hath made his grant pursuant to the Verdict of the Jury.

Advent.

ADvent is a time which contains about a month next before the Feast of the Nativity of our Saviour Christ. In which our Ancestors repose great reverence for the nearness of that solemn Feast; so that all Suits in Law were then remitted for a season: wherefore there was a Statute ordained, *Westm. 1. cap. 48.* that notwithstanding the said Solemnity, it might be lawful, in respect of Justice and Charity, to take Assises of Novel disseisin and Darreign

reigne Presentment, in the times of Advent, Septuagesima, and Lent. This is one of the times from the beginning of which until the Octaves of Epiphany the solemnizing of Marriage is prohibited to be solemnized without special Licence, according to the Ver-
ses :

*Advent all Marriage forbids,
Hilarys Feast to Nuptials tends:
And Septuagint no Wedding rids,
Yet Easter Octaves that amends.
Rogation hinders hasty Loves,
But Trinity that lett removes.*

But the Bishop may dispense with a Marriage within these times, and it is good.

Advowson.

A Advowson is, where a man and his heirs have a right to present their Clerk to a Personage, or other spiritual Benefice, when it becomes void. And he which hath such right to present is called Patron.

In gross is when one is seised of it only by it self. And there is an Advowson appendant to a Mannor, or to a Rectory; and this may be sold by it self and then it is in gross, and is severed from the Mannor and Rectory.

vel disseisin & Darreine presentment, en le temps de Advent, Septuagesima, & Quadragesima. Cest un des temps de le commencement d'q'l usque a les Octaves de l'Epiphany le solemnizing d'Es-pousals sont phibit destre solempne sans especial Licence, accordant a les Verses :

*Conjugium Adventus prohibet,
Hilarique relaxat;
Septuagena verat, sed Paschæ
Ostava reducit.
Rogatio vetitat, concedit
Trina potestas.*

Mes l'Evesque poit dispenser ove un Marriage deins ceux temps & ceo est bien.

Advowson.

A Advowson est, lou un home & ses heirs ont droit de presenter leur Clerk al un Parsonage, ou aut' Espritual Benefice qnt il devient void. Et celui q' ad tiel droit de presenter est appel Patron.

En gross est lou home est seisie de ceo est solement per luy mesme. Et est Advowson appendant al un Mannor or al un Rectory, &c. poir eslire vend a p luy, & runc est En gross & sever del Mannor & Rectory.

Affairs.

Affecrors.

Affecrors sont tiels que sont designe en Court-leets, &c. a mulier tiels que ont commit ascun peche que est arbitrablen punishable, & p quel nul expresse penalty est prescribe per Statute. Poies veier le form de lour Serement en *Kitch. fo. 46.* Si les Jurors en un Leet recevoient les Articles, & esteant command a respond al eux & present, ils refuse issint a faire, donq; ils seront amercie; uncore l'Amerciament de chescun Juror sera affecte solongue a son offence. Issint en *Affise d'Novel disseisin* tous les Disseisors seront amercie, & chescun sera affecte a ploy. Mes si un Ville soit amercie, la l'Affectance sera general, car la nest asc certain person nomme, come en les cases payant dit. Et si un Jury en un Leet taxe un amerciament, ceo suffist sans asc Affectment, car le Amerciament est le act del Court, & le Affectment le act del Jury. *Co. lib. 8. f. 39, 40. b.*

Affiance.

Affiance est le plight del foy ent' home & feme sur un Agreement dun Marriage de solemnize ent' eux; & *affidare*, de quel cest

Affecrors.

Affecrors are such as be appointed in Court-leets, &c. to mult those who have committed any fault which is arbitrably punishable, and for which no expresse penalty is prescribed by Statute. You may see the form of their Oath in *Kitchin fol. 46.* If the Jurors in the Leet receive the Articles, and being commanded to answer to them and present, they refuse so to do, then they shall be amerced; yet the Amerciament of every Juror shall be affected according to his offence. So in *Writ of Novel disseisin* all the Disseisors shall be amerced, and every one shall be affected by himself. But if a Town be amerced, there the Differance shall be general, for there is not any certain person named, as in the cases above said. And if a Jury in a Leet tax an Amerciament, this suffices without any Affectment; for the Amerciament is the act of the Court, and the Affectment is the act of the Jury. *Coke lib. 8. fol. 39, 40. b.*

Affiance.

Affiance is, the plighting of troth betwixt a man and a woman upon an agreement of a Marriage to be had between them; and *affidare*, from whence this

this word is deribed, is as much as *fidem ad alium dare*. And this word Affiance is used by Littleton, Chap. Dower Sect. 39.

parol est derive, est tant a dire come *fidem ad alium dare*. Et cest parol Affiance est use per Littleton, Chap. de Dower, Sect. 39.

Afforest.

Afforest is, to turn ground into Forest. Charta de Foresta, cap. 1. & 30. Anno 9 Hen. 3.

Afforest.

Afforest est, converter terre en Forest. Charta de Forest, cap. 1. & 30. An. 9 H. 3.

Affray.

Affray comes of the French word (*effrayer*) which signifies to affright or scare; therefore an Affray may be without word or blow given, and so this word is used in the Statute of North. 2. E. 3. cap. 3. But it is in our Books many times confounded with the word Assault, as it appears by Lambert in his Eirenarch lib. 1. cap. 17. Yet, as it is there said, they differ in this, that an Assault is but a wrong to the party, but an Affray is a wrong to the Common-wealth: and therefore an Affray is inquirable and punishable in a Leet. Also an Assault is made most commonly but on one side; but an Affray is the fighting of many together.

Affray.

Affray venust del parol Francois (*effrayer*) que signifie terrer five horrifier; & issint un Affray poit estre sans parol ou buffe done & issint cest parol est use e de Stat d North. 2. E. 3. c. 3. Mes en nostre livres c parol est plus foits confound ove le parol Assault, come appiert per Lambert en son Eirenarch. lib. 1. c. 17. Mes uncore, come est la dit, ils differont en ceo, q un Assault nest forsque un tort al party, mes un Affray est un tort al bien publique: & pur ceoun Affray est inquirable & punishable en u Leet. Auxy un Assault est fait plus tost forsque sur lun part: mes un Affray est le combatre de plusors ensemble.

Age prier.

AGE prier est, quant Action est port vers un Enfant de Terre que il ad p descent, la il monstra le matter al Court, & prayera que le Action demur tanque a son plein age de 21 ans, & issint p agarde de Court le Suit surcessera.

Mes en Brief de Dower & en Affise, & auxy en tiels Actions lou le Infant est suppose a vener al Terre en demand de son tort demesne, il navera sa age.

Auxy nota, que sont plusors diversities de Ages. Car le Seignior avera aide de son Tenant en Socage pur marrier sa fille, quant la fille est del age de sept ans; & aide pur faire son fuis & heir Chivaler, quant il est del age de sept ans.

Feme que est Esponse al age de 9 ans, si sa baron morust seisie, avera Dower, & nemy devant.

Auxy 14 ans est le age de feme, que ne serra en Gard, si el fuit de tiel age al temps del mort son Ancestor; mes si el fuit deins age de 14 ans, & en Gard son Seignior, donques el serra en Gard tanque al age de 16 ans. Et 21 ans est le age de Heir male deslire en Gard, & apres ces hors de Gard.

Erauxy il est le age d male

Age prier.

AGE prier is, when an Action is brought against an Infant for Land which he hath by descent, there he shall shew the matter to the Court, and shall pray that the action may stay till his full age of 21 years, and so by award of the Court the Suit shall surcease.

But in a Writ of Dower and in Affise, and also in such actions where the Infant is supposed to come to the Land demanded by his own wrong, he shall not have his age.

And note well, that there are many diversities of ages. For the Lord shall have aide of his Tenant in Socage to marry his daughter, when the daughter is of the age of 7 years, and aid to make his son and Heir a Knight, when he is of the age of 7 years.

A woman who is married at the age of 9 years, if her husband die seised, shall have dower, and not before.

And 14 years is the age of a woman, who shall not be in ward, if she were of such age at the time of the death of her Ancestor; but if she were within the age of 14 years, and in ward of the Lord, then she shall be in ward till the age of 16 years. And 21 years is the age of the Heir male to be in ward, and after that out of ward.

Also that is the age of male and

and female to sue and to be sued for Lands, which they have or claim by descent, and to make all manner of Contrasts and Bargains, and not before: but if such an infant within the age of 21 years give his goods, and the Donee take them, the infant may have an Action of Trespass: but otherwise it is if he deliver them himself. See Coke lib. 3. fol. 13. a. l. 6. f. 3.

Agent & Patient.

Agent & Patient is, when a man is the doer of a thing and the party to whom it is done; as where a Woman endows her self of the fairest possession of her husband. So if a man hath ten pounds issuing out of certain land, and he disseises the Tenant of the Land in an Assise brought by the Disseisee, the Disseisor shall recoup the Rent in the damages; so that where the mean profits of the land in such case were to the value of 13 l. the Disseisee shall recover but three pounds. Also if a man be indebted to another, and after makes the party to whom he is so indebted his Executor, and dies, the Executor may retain so much of the goods of the dead in his hands as his own Debt amounts to; and by this Retainer he is the Agent and the Patient, that is, the party to whom the Debt is due, and the party that pays the same.

& female de suer & desir sue des Terres que ils ont claim per descent, & d faire tous maners de Contrasts & Bargains, nient devant: mes si tiel enfant deins age de 21 ans don ses biens, & le Donee eux prist, le enfant poit aver un Action de Trespass: mes autrement il est sil deliver eux. Vide Coke l. 3. fol. 13. a. l. 6. f. 3.

Agent & Patient.

Agent & Patient est, quant un home est le seisor de un chose, & le partie a que il est fait; come lou sen endow luy mesme de la plus belle part de possession de sa baron. Issint si home ad dix livres issuant hors de certain ter, & il disseise le Tenant del ter en Assise port p le Disseisee, le Disseisor recoupera le Rent en le Damages; issint que ou le mesme pirts del ter en tiel case fueront al value d 13 livres, le Disseisee recouvrera forsque trois livres. Auxy si un home endette a un autre, & puis fait le partie a que il est issint endette son Executor, & morust, le Executor poit retainer tant des biens del mort en ses mains come son Dette demesne amountera; & p ceo deteiner il est le Agent & le Patient, cestascavoir, le partie a que le Dette est due, & le partie que ceo paya.

D

Mes

Mes home ne serra judge en son cause demesme, com̄ est resolve, *Coke lib. 8. fo. 118.* en *Bonham's Case*; Que les Censurs ne poyent estre Judges, Ministers, & Parties; Judges a doner sentence ou judgment, Ministers a fair summons, & Parties de aver le moiety del forfeiture. Et com̄t q̄ Act de Parliam̄t done a asc̄, a tener ou de aver conusans de tous manners des Pleas devant luy surdāt deins son Mannor de D uncore il tenev nul Plea a q̄ il mesme est party; *Quia iniquum est aliquem sue rei esse judicem.*

Agist.

A Gist semble de vener del Francois giser (i. jacere) ou del gister (i. stabulari) un parol pper as Dames; & p̄ ceo *Budæus lib. poster. Philologia,* dit q̄ Gist idem est quod Lustrum vel Cubile. Et Agist en nostre Common Ley signifie d̄ prēder eins & de pasture les avers dun estranger deins les Forests le Roy; & p̄ ceo les Officers en le Forest q̄ en tiel manner prent eins avers, & collect les deniers p̄ le pasturage deux, sont appelle Agistors, & le pasturage & herbage de avers est appel Agistment; q̄ en un large signification extend al tous manērs del Common del Herbage de alcun kind d̄ tef, ou bois, ou les deniers que sont due & receive par ceo

But a man shall not be judge in his own case, as is resolved, *Coke lib. 8. fol. 118.* in *Bonham's Case*, That the Censurs cannot be Judges, Ministers, and Parties; Judges to give sentence or judgment, Ministers to make summons, and Parties to have the half of the forfeiture. And although an Act of Parliament yields to any one, to hold or to have consulaunce of all manner of Pleas arising before him within his Mannor of D. yet he shall hold no Plea to which he himself is party; *Quia iniquum est aliquem suæ rei esse judicem.*

Agist.

A Gist seems to come of the French Giser (i. jacere) or of Gister, (i. stabulari) a word proper to Deer; and therefore *Budæus lib. poster. Philologia,* says that Gist idem est quod Lustrum vel Cubile. And Agist in our Common Law signifies to take in and feed the Cattel of a stranger in the Kings Forests; and therefore those Officers in the Forest that thus take in Cattel, and gather the money for the feed of them, are called Agistors, and the feed or herbage of the Cattel is called Agistment; which in a large signification extends to all manner of Common of Herbage of any kind of ground, or land, or woods, or the money that is due or received for the same,

as well out of Forests as with-
in them. See *Manwood's Forest
Laws*. c. 11. fol. 80.

cybien hors de Forests come
deins eux. Vide *Manw. Fo-
restleys*, cap. 11. fo. 80.

Agreement.

Agreement is thus defined or
expounded in *Plowden's
Commentaries*: *Agreementum*
is compounded of two words,
namely, *Aggregatio* and *Mentium*,
that is, Agreement of
minds. So that Agreement
is a consent of minds in some
things done or to be done; and
by drawing together the two
words, *Aggregatio* and *Mentium*,
and by the hasty and short pro-
nouncing of them, they are made
one word, to wit, *Agreementum*,
which is no other than a
joining, coupling, and knitting
together of two or more minds
in any thing done or to be done.
(See after in Testament.) And
this Agreement is in three
manners.

The first is an Agreement ex-
ecuted already at the beginning.

The second is an Agreement
after an act done by another, and
is an Agreement executed also.

The third is an Agreement
executory, or to be done in time
yet to come.

The first, which is an Agree-
ment executed already at the be-
ginning, is such whereof menti-
on is made in the Stat. of 25 E.
3. c. 3. of Clothes, in the 4th Stat.
which saith, That the goods
and things bought by *Wholesale*-
ers, being therof attained,

Agreement.

Agreement est en cest man-
ner define ou expounde
en *Plowden's Commentaries*:
Agreementum est compound
de deux parolx, cestascavoir,
de *Aggregatio* & *Mentium*, cest
adire, Agreement de menrs.
Issint q̄ *Agreementum* est *Ag-
gregatio mentium in re aliqua
facta vel facienda*; & p le con-
traction de les deux parolx,
Aggregatio & *Mentium*, & p
le corrupt & brief parlance
d'eux, ils sont fait un parol,
cestasc̄, *Agreement*, le quel
nest aur chose que un union,
copulation, & conjunction d
deux ou plusors menrs in asc̄
chose fait ou desir fait. (Veies
apres en Testament.) Et cest
Agreement est en 3 manners.

Le prim est un Agreement
execut' en fait al comencement.

Le second est un Agreement
puis un act fait p auter, & est
un Agreement executed auxy.

Le tierce est un Agreement
executory, ou desir fait en
temps uncore a ven.

Le prim q̄ est un Agreement
executed en fait al comence-
ment est tiel de que mention
est fait en le Stat. de 25 E. 3.
cap. 3. de Pannis, en le quart
Stat., q̄ dit que les biens &
choses achates, p *Forestallers*,
que de ceo seront attaincs.

solent forcéits al Roy, si le achator ent uist fait gree al vendor. En quel cale cest parol (*gree*) que est autermit appel agreemit, serra entende Agreement execute, *viz.* payment pur les choses.

Le second mañer d'Agreement est, lou un fait un chose ou act, & un autre agree ou assent a ceo apres : come si ū fait Disseisin a mon use, & apres jeo agree a ceo, ore jeo serra Disseisor ab initio. Et tiel Agreement est un Agreement puis un act fait.

Le tierce Agreement est, qāt ambideux parties a un temps, sont accords que tiel chose serra fait en temps a veñ : & ceo agreement est executorie, entant q̄ le chose serra fait apres, & uncore la lour ments accord a un temps. Mes entant que le performance serra apres, & issint le chose sur q̄ l'agreement fuit fait remaine a faire, ceo Agreement serra dit executorie. Et ceo le Stat. 26 H. 8. Stat. 3. prove, ou il dit, Que chescun Vicar, parson, & autiels, &c. devant lour aſual possession ou medling ove les profits de lour Benefice, satisfiera, cōtentera, &c. ou agreera a payer al use le Roy les prim fruits, &c. Et si aucun tiel Parson, Vicar, &c. ent' en aſual possession, &c. Ceo Agreement est desire entend executorie, come le cōmō usage prove: car est use q̄ il, ove un ou deux ove luy,

shall be forſeit to the King, if the buyer have made gree with the seller. In which case the word (*gree*) which is oherwise called Agreement, shall be extended to Agreement executed, that is, payment for the things.

The second manner of Agreement is, where one doth a thing or act, and another agrees or assents thereunto afterwards: as if one make a Disseisin to my use, & afterwards I agree to it, now I shall be a Disseisor from the beginning. And such Agreement is an Agreement after an act done.

The third agreement is, when both parties at one time are agreed that such a thing shall be done in time to come: and this agreement is executory, in as much as the thing shall be done after, and yet there their minds agreed at one time. But because the performance shall be afterwards, and the thing upon which the Agreement was made remains to be done, that Agreement shall be called Executory. And that the Stat. of 26 H. 8. c. 3. doth prove, which saith, That every Vicar, Parson, and such like, &c. before their actual possession or medling with the profits of their Benefices, shall satisfy, content, &c. or agree to pay the King the first-fruits, &c. & if any such Parson or Vicar, &c. enter in actual possession, &c. this Agreement is to be understood executory, as common usage proves: for it is used, that he, with one or two with him,

to make two or three Obligations, for it is to be paid at certain days after. And this Agreement executory is divided into two points: One is an Agreement executory which is certain at the beginning, as is said last before of the first-fruits.

The other is, when the certainty doth not appear at the first, and the parties are agreed that the thing shall be performed or payed upon the certainty known: as if one sell to another all his Wheat in such a bag of his Barn unthreshed, and it is agreed between them, that he shall pay for every bushel 3 s. when it is threshed clean and measured.

Aid.

AID is when a Tenant for term of Life, Tenant in dower, Tenant by courtesie, or Tenant in Tail after possibility of issue extinct, is impleaded; then, for that they have no estate but for term of life, they shall pray in aid of them in the Reversion, and process shall be made by Writ against him, to come and plead with the tenant in the defence of the land, if he will: But it behoves that they agree in the Plea: for if they vary, the plea of the Tenant shall be taken, and then the aid-prayer is void: but if he come not at the second Writ, then the tenant shall answer sole.

Also Tenant for years, Tenant at will, Tenant by Elegit,

fait deux vel trois Obligations p^r ceo desre pay en certain jours ap^rs Et cest Agreement executory est divide en deux points: Un est Agreement executory q^u est certain al commencement, come est dit darrein devant del Primer-fruits.

L'auter est, loule certainie ne appiert al primes, & les parties sont accords que le chose serra perform ou pay sur le certainy conus: come si un vend^r al auter tout son Wheat e^t tiel tasse en son Barn nient thresh, & il est agree parent' eux, que il payera p^r chescun bushel 3 s. quant il est thresh clean & measure.

Aide.

AID est, quant Tenant a term de vie, Tenant en dower, Tenant p^r le courtesie, ou Teint en taile apres possibility d^e issue extinct, est emplede; dōques p^r ceo q^u ils nōt estare forsque p^r term d^e vie, ils prieront Aide d^e cestuy en le Reversion, & Process serra fait per Brief vers luy, de v^ener & pleder ove le Tenā: in defence del Terre, si voile, Mes ils covient que ils accord en Plea, car sils varie, le Plea le Tenant serra prisse, & donques l' Aid-prier est en vain; mes sil ne vient al secōd Brief, le Tenant respondera sole.

Aux' Tenant p^r ans, Tenāc a volunt, Tenant p^r Elegit,

& Tenant per Statute-Merchant averont aid de cestuy en le Reversion; & le Servant & Bailly de leur Master, quant ils ont fait aſc choie loyalmēt en le droit leur Master, averont aid.

Cest parol est aſc foits apply al Subsidies, cōe en 14 E. 3. Stat. 2. cap. 1. Autre foits a un Prestation due de les Tenants a leur Seigniors; come p relief due al Seignior paramount, ou p le seissance de son firs Chival, ou p l'espousing de sa file. *Glan. l. 9. c. 8.*

Cest Aide le Roy, ou autre Seign p l'ancien Ley d'Angleterre, puit giser sur leur Tenants, p fair son firs Chival al age d 15 ans, & espouser sa file al age d sept an. *Reg. orig. f. 87. a.* & a quel rate ils pleiront. Mes le Stat. de West. 1. fait An. 3. E. 1. ordein un restraint p ascun grād ou large demand fait p common persons, esteant Seigniors, en cest case, & ad lie eux a un ceertain rate. Et le Statute d 25 E. 3. Stat. 5. c. 11. provide, que le rate que est mise p le prim Stat. serra tenus en le Roy cybien come en auters Seigniors.

Aide de Roy.

Aide de Roy est en semblable case come est dit devāt de common pson, & auxy en plusors aut' cases loulē Roy puit aver pde, comēt q le Tenāt soit

and Tenant by Statute-Merchant, shall have aid of him in the Reversion; and the Merchant and Bailiff of their Master, when they have done any thing lawfully in the right of their Master, shall have aid.

This word is sometimes applied to Subsidies, as in 14 E. 3. Stat. 2. cap. 1. Other times to a Prestation due from the Tenants to their Lords; as for relief due to the Lord paramount, or for the making of his Son a Knight, or for marrying of his Daughter. *Glan. lib. 9. c. 8.*

This aid the K. or other Lord by the ancient Law of England, may lay upon their Tenants, to make his son Knight at the age of 15 years, and to marry his daughter at the age of 7 years, *Regist. orig. fol. 87. a.* and that at what rate they please. But the Stat. of West. 1. made An. 3. Ed. 1. ordained a restraint for any great or large demand made by common persons, being Lords, in this case, and hath tied them to a certain rate; and the Stat. of 25 Ed. 3. Stat. 5. c. 11. provides that the rate which is appointed by the former Stat. shall be held in the King as well as in other Lords.

Aid of the King.

Aid of the King is in like case as it is said before of a common person, & also in many other cases where the King may have help, although the Tenant be

Tenant in fee-simple, he shall have aid; as if a Rent be demanded against the Kings Tenant who holds in chief, he shall have aid, and so he shall not of a common person.

And where a City or Borough hath a Fee-farm of the King, and any thing is demanded against them which belongs to the Fee-farm they shall have aid for it of the King.

Also a man shall have aid of the King in the stead of Voucher. And the Kings Bailiff, the Collector and the Purveyor shall have aid of the King, as well as the Officers of other persons.

Aile.

AILE is a writ which lies where Land descends from the grandfather to his nephew, sc. the son or daughter of the son of the grandfather; the father being dead before the entry by him, and one abates, the heir shall have against the Abator this writ.

Aler sans jour.

Aler sans jour is, (word for word) to go without day, that is, to be dismissed the Court, because there is no day of farther Appearance assigned.

Ale-Taster.

Ale-taster is an Officer appointed and sworn in

Tenant en fee simple, il avera Aide; come si un Rent soit demand vers Tenant le Roy que tient en chief, il avera aide, & issint navera de aut' person.

Auxy lou un City ou Borough ad un Fee-farme del Roy, & asc chose est demand vers eux que appertaint al Fee-farme, ils averont aide pur ceo del Roy.

Auxy home avera aide de Roy en lieu de Voucher. Auxy le Bayliff, Collector & purveyor del Roy averont aide del Roy, auxibien come les Officers de auters persons.

Aile.

AILE est un brief que gist lou Terre descende de layel a son Nephews, viz. fitz ou file del fitz del ayel; le pier esteant mort devant entry per luy, & un abate, le Heir avera vers le Abater cel Brief.

Aler sans jour.

Aler sans jour est, (verbatim) ire sine die, cest-a-cavoir, deē dismettre hors del court, p̄ ceo que nest asc aut' jour del Appearance assigne.

Ale-Taster.

Ale-taster est un Officer appoint & jure deins chescun

cheſc Leet, de yeier q̄ le due Aſſiſe ſoit obſerve de tout le Pane, Ale & Cervoife vendus deins le Jurisdiction d Leet.

Alien.

A Lien eſt un Subject nec hors del ligeance de noſtre Roy. Et il ne poit aver aucun real ou personal Action concernant Teſ, mes en cheſcū tiel Actiō le Tenāt ou Deſcēdāt puit plede que il ſuit nec en tiel pais q̄ neſt deins le ligeance del Roy, & demād Judgment, ſil ſerra reſpondu.

Cheſc Alien amie puit per le Common Ley aver & acquirer deins ceſt Realm, p done, chivifans, ou aut' loyal voyes, aſc treasure ou biens personal quecunque cybien cōe aſc hōe Englois, & puit maintain aſc Actiō p̄ y cel. Mes teſs deins ceſt Realm ou Meaſons, ſi nō ſolemēt p̄ leur habitation, aliē amies ne poiēt aver ne acquirer, ne maintain aſc Action real ou pſonal p̄ aucun Terre ou Meaſon, ſinon q̄ le meaſon ſoit pur leur neceſſary habitation. Un Aliē enemie ne poit maintain aſc Act', ou acquir aſc choſe deins ceſt Realm. Et les reaſons p̄ q̄ Aliens nec ne ſont capable de inheritāce deins *Angleterre*, ſont ;

Primermēt, Les ſecrets del Royalm poiēt p̄ ceo eē cō.

Secundmēt, Les Revenues del Royalm ſerront priſe & enjoy p̄ Eſtrangers nec.

every Leet, to look that the due Aſſiſe be kept of all the Bread, Ale and Beer ſold within the Jurisdiction of the Leet.

Alien.

A Lien is a Subject born out of the ligeance of our King, and he cannot have any real or personal Action concerning land, but in every such Action the Tenant or Defendant may plead that he was born in such a place, which is not within the Kings ligeance, and demand judgment if he shall be answered.

Every alien friend may by the Common Law have and get within this realm, by gift, trade, or other lawful ways, any treasure or personal goods whatsoever, as well as any Englishman, and may maintain any Action for the same. But Land within this realm or houses (if not for their dwelling only) Alien friends cannot have nor get, nor maintain any Action real or personal for any Land or House, unless the House be for their necessary dwelling. An Alien enemy cannot maintain any Action, nor get any thing within this Realm. And the reasons why aliens born are not capable of inheritance within England, are ;

1. The Secrets of the Realm may by this be discovered.

2. The Revenues of the Realm shall be taken and enjoyed by Strangers born.

3. This

3. This will tend to the destruction of the Realm. First, in the time of war, for then Strangers may fortifie themselves in the heart of the Realm, and set in combustion the Common-wealth. Secondly, in the time of peace, for by such means many Aliens born may get a great part of the Inheritance and free-hold of the Realm, by which there would ensue a want of Justice, the supporter of the Common-wealth, for this that Aliens cannot be returned of Juries, nor sworn for the trial of Issues between the King and Subject, or between Subject and Subject. Vide Coke lib. 7. Calvins Case.

Alienation.

A Lienation is as much to say as to make a thing another mans, or to alter or put the possession of Lands or other things from one man to another. And in some cases a man hath power in himself so to do, without the assent or licence of any other, and in some not. As if Tenant in chief alien his estate without the Kings licence, then by the Stat. of 1 Ed. 3. c. 12. a reasonable Fine shall be taken, where at the Common Law before the said Stat. the Lands and tenements held in chief of the King and aliened without licence, have been held forfeited. And if the Kings Tenant that holds in chief intended to alien unto C. to the use of D. and

Tierceñte, Ceo voile tend al destruit del Royalm. Primerment en le temps de guerf, car donqs estrangers poiēt fortifie eux mesmes en le cuer dl Royalm, & cōbustier le Commonweale. Secundm̄t, en le tēps d peace, car p tiels meā: plusors Aliēs nec poiēt acquirer un grand part del inheritance & franktenement del Royalm, p q̄ la voile ensue un failer d Justice, le supporter dl Common-weale, p ceo q̄ Aliens ne polent estre retorne d Juries, ne jure p le trial de issues perent le Roy & le Subject, ou perenter Subject & Subject. Vide Coke lib. 7. Calvins Case.

Alienation.

A Lienation idem est quod alienum facere, ou de alter ou mitt' le possession d Terres ou auter chose de lun home al auter. Et en ascun cases home ad poier en luy mesme issint a faire, sans lassent ou licence dascun auter, & en ascun nemy. Come si Tenant en capite alien son estate sans cōge le Roy. donq p le Stat. de 1 Ed. 3. cap. 12. un reasonable Fine serra prise, ou al Common Ley devant le dit Stat. les Terres & tenem̄ts tenus en chief del Roy, & aliē sās, cōgee, or este tenus forfeit. Et si Tenant le Roy q̄ teigne ē capite intend de aliener al C. al use de D. & sur

sur ego si il purchase licence de aliener al C. & accordant il alien a C. al use de D. quel use nest mentiō ē le Licence : en cest case il payes forsque ū Flīn, car cē forsque un Alienation, *coke lib. 6. fol. 28.* Mes si home voille alien terē en fee-simple a un Meason de Religion, ou a un Corps incorporate, covient a luy daver conge le Roy de faire cest Grant ou Alienation, & le chief Seigniors d queux tiels Terē sont tenus, &c. autrement le terē issint alien en *Mortmain* serra forfeit p le Stat. de 15 R. 2. cap. 5.

hereupon if he purchase Licence to alien to C. and accordingly aliens to C. to the use of D. which use is not mentioned in the Licence ; in this case he shall pay but one Fine, for it is but one Alienation. *Coke lib. 6 fol. 28.* But if a man will alien Lands in fee-simple to an House of Religion, or to a body incorporate, it behoves him to have the Kings Licence to make this Grant or Alienation, and the chief Lords of whom such lands are held, &c. otherwise the land so alienated in Mortmain shall be forfeited by the Statute of 15 R. 2. cap. 5.

Alloy.

Alloy est le Temper ou mixture de Or & Argent ove plus basse metal, pur l'augmenter del pois de ceo entant que poit countervail le charge del Roy en le coynage. Cest parol est use en le Statute 9 H. 5. cap. 11. pur le payment del Or Anglois per le pois le Roy.

Alloy.

Alloy is the Temper or mixture of Gold and Silver with baser metal, for the increasing the weight of it so much as might counterball the Kings charge in the coining. This word is used in the Statute of 9 H. 5. cap. 11. for the payment of English Gold by the Kings weight.

Almner.

Almner est un Officer del Hostel le Roy, & son Office est pur dispence les Alms le Roy chescun jour ; & a cest purpose il ad le collect' des touts Forfeitures des Deadands, & des biens des Felons *de se*, que le Roy luy allow p disposer ē Alms as po-

Almner.

Almner is an Officer of the Kings house, whose Office is to distribute the Kings Alms every day ; and to that purpose he hath the collecting of all forfeitures of Deadands, and of the goods of felons de se, which the King allows him to dispose in Alms to the poor.

Jnd of his Office, see Flets, lib. 2. cap. 22.

vers. Et de son Office, vide Fletam, l. 2. c. 22.

Almoin.

Almoin.

Almoin, See Aumone.

Almoin, Vcies Aumont.

Alnager.

Alnager.

Alnager is an Officer of the Kings, who by himself, or by his Deputy looks to the Sale of all Cloth made of Wool throughout the Land, and to put a Seal, for that purpose ordained, unto them. 35 E. 2. Stat. 4. c. 1: Anno 3 R. 2. c. 2. And he is to be accomptable to the King for every Cloth that is so sealed in a Fee or Custom hyppertaining to it.

Alnager est un Officer del Roy que per luy mesme ou p son depuryvey al Alfise de tout le Pane que est fait de Lane per tout le Terre, & a mitter Signets, par tel purpose ordeignes, al eux 35 E. 2. Stat. 4. c. 1. Anno 3. R. 2. c. 2. Et il est desfre accomptable al Roy pur chescun Pane que est issint scale en un Fee ou Custome a ceo appertenant.

Altarage.

Altarage.

Altarage in Latin, Altaragium, signifie Duties and Offerings to holy Altars mention'd 2 Cro. Rep. 516. that a Vicarage was endowed with it and small Tythes.

Altarage en Latin, Altaragium, signify Duties & Offerings al saint Altars, mention 2 Cro. Rep. 516. que un Vicarage fuit endow ove ceo & petit difms.

Ambidexter.

Ambidexter.

Ambidexter is he that, when a matter is in suit between men, takes money of the one side and of the other, either to labour the Suit, or such like; or if he be of the Jury, to give his Verdict.

Ambidexter est celuy que, quant un matter est en suit pter homes, prist argent de lun part & del aut, ou pur labour le Suit, ou tiels semblables; ou fil soit del Jury, pur dire son Verdict.

Amend.

Amendment.

A *Mendment* est, quant Error est en le Process, les Justices poiēt c̄ amend apres Judgment. Mes si Error soit c̄ Judgment done, ils ne poiēt amender ceo, mes le party est mis al Brē de Error. Et en plufors Cases, lou le default appliert en le Clerk q̄ escria le Record, il serra amend: mes tiels choses que vient p̄ information del party, come le Ville, Myserie, & *butjmodi*, ne serra amend, car il doit informer uray a son peril.

Amercement.

A *Mercement* plus proprement est un Penalty assels per les Peers ou pares del partie assiele, pur un offence fait; come p̄ default d̄ Sult de Court, ou pur non amend d̄ asc chose q̄ il fult appoint de redresser devant, ou pur tiel semblable cause: en quel case le party que offend soy mist en le mercie del Roy ou Seignior, & sur ceo cel Penalty est appel *Amerciament*.

Et la est un difference penter *Amerciaments* & *Fines*, *Kitch. 214*. Car *Fines* sont punishments certain, que cresceront expresment de ascun

Amendment.

A *Mendment* is, when Error is in the Process, the Justices may amend it after Judgment. But if there be Error in giving Judgment, they may not amend it, but the party is put to his Writ of Error. And in many cases, where the default appears in the Clerk that writt the Record, it shall be amended: but such things as come by information of the party, as the Town, Mystery, and such like, shall not be amended, for he must inform true upon his peril.

Amercement.

A *Mercement* most properly is a Penalty asselled by the Peers or equals of the party amerced, for an offence done; as for want of Suit of Court, or for not amending something that he was appointed to redress by a certain time before, or for such like cause; in which case the party who offends puts himself in the mercy of the King or Lord, and thereupon this Penalty is called *Amerciament*.

And there is a difference between *Amerciaments* and *Fines*, *Kitch. 214*. For *Fines* are Punishments certain, which grow expressly from some Statute; and

and Amerciaments are such which are arbitrarily imposed by the Justices, which Kitchen seems to confirm fol. 78. in these words, The Amerciament is assessed by Equals.

Also it appears, Coke lib. 8. fol. 39. That a Fine is always imposed and assessed by the Court, but Amerciament, which is called in Latin *Misericordia*, is assessed by the Country.

Another diversity there is : as if a man be convicted before the Sheriff of the County of a Recaption, he shall be only amerced; but if he be convicted of this in the Common Bench, he shall be fined. And the reason of this diversity is, That the County Court is not a Court of Record, and therefore cannot impose a Fine, for no Court can impose a Fine but such a Court as is of Record, Cok. lib. 8. fol. 41. a. If the Defendant or Tenant plead a false Deed to him, or deny his own Deed, and this is found against him, or he, leaving his own Verification, acknowledges the Action; he shall be fined for his falsity, because we ought to be sure of our own Acts. But if one deny the Deed of his Ancestor, and this is found against him, yet he shall not be fined, but amerced only, because it was the act of a Stranger. Co. lib. 8. fol. 60. a. see more there.

Statute; & Amerciaments sont tiels que sont arbitralement impose per les affectors, quel Kitchen semble a confirmer fol. 78. en ceux parolx, *Amerciament est assise per Pairs.*

Auxy il appiert, *Coke lib. 8. f. 39.* que un Fine est tous foits impose & assise per le Court; mes Amerciament q est appel en Latin *Misericordia*, est assise p Pays.

Auter diversity la est: come si home soit conviict devant le Vicount en le County don Recaption, il serra forsqe amercie, mes si soit conviict de ceo en le Common Bank, il serra fine. Et le reason de cest diversity est, Que le County-Court nest pas Court de Record, & pur ceo ne poit imposer un Fine, car nul Court poit imposer Fine mes tiel Court q est de Record, *Coke lib. 8. fo. 41. a.* Si le Defendant ou Tenant plead un faux Fait a luy, ou deny son fait demesme, & ceo est trove vers luy, ou si, relitta verificatione, cognoscit Actionem; il serra fine pur fauxism, *Quia certi debemus esse de proprio facto.* Mes si un deny le Fait son Ancestor, & ceo est trove vers luy, uncore il ne serra fine, mes amercie seulement, *Quia de alieno facto.* Co. lib. 8. fol. 60. a. Vide plus la.

Amercement royal.

A *Amercement royal* est, quant un Vicount, Coroner, ou autre quel Officer del Roy, est amerced per les Justices par son misdemeanor en le Office. *Quare* si ne serra dit *Fine*.

Amoveas manus.

A *Amoveas manus.* Veies *Ouster le Mayn*.

An jour, & waste.

A *N jour, & wast*, est un Forseiture quant un home ad fait petit Treason ou Felony, & ad Terres queux il tient de alcun common person, queux serra seisi par le Roy, & remaine en son maines per la space de un an & un jour prochain apres le Attaind; & donques les Arbres seront defolles, les Meisons rases, & le Pastures & Prees ayres & plowed; si non que il a que Terre devenera per leschete ou forfeiture ne oro redeem del Roy. Un chose le plus de greever le Offendours, & terrible autres de cader en suetiel, en demonstrance coment le Ley detest leur offence cy avant, issint que il execute Judgment & punishment sur leur mute & mort chosez.

Amercement royal.

A *Amercement royal* is, when a Sheriff, Coroner, or other such Officer of the King, is amerced by the Justices for his abuse in the Office. Learn if it should not be called a Fine.

Amoveas manus.

A *Moveas manus.* See *Ouster le mayne*.

An, jour, & wast.

A *N, jour, & wast*, is a forfeiture when a man hath committed petit Treason or Felony, and hath Lands holden of some common person, which shall be seised for the King, and remain in his hands by the space of one year and a day next after the Attainder; and then the Trees shall be pulled up, the Houses razed and pulled down, and the Pastures and Meadows cyled and plowed up; unless he to whom the Lands should come by escheat or forfeiture redeem it of the King. Thing the more to grieve the offenders, and terrify others to fall into the like, in shewing how the Law doth detest the offence so far forth, as that it doth execute judgment and punishment even upon their dumb and dead things.

Aniente.

Aniente.

ANiente comes from the French *Ancantir*, that is, annihilare; for Aniente in our Law-language signifies as much as frustrated or made void, and is used by Littleton in his 741. Section.

Aniente.

ANiente venust del Franeols *Ancantir*, (*Id est*) *annihilare*; car *Aniente* en nostre Ley signifie tant come frustrate ou defeat, & est use per Littleton, *Sect.* 741.

Annates.

Annates is a word used in the Statute of 25 Hen. 8. cap. 20. and seems to be all one with *First-fruits*: for so Pol. Virgil. de *Inventione rerum*, lib. 8. cap. 2. says, That *Annatarum* usus multo antiquior est quam recentiores quidam scriptores suspicantur, & *Annatas* (more suo) appellant *primos fructus unius anni Sacerdotii vacantis*, aut *dimidiam eorum partem*.

Annates.

Annates est un parol use en le Stat. 25 Hen. 8. cap. 20. & semble deẽ tout un ove *Primitia*: car issint Pol. Virgil. de *Inventione rerum*, lib. 8. cap. 2. dit, *Quod Annatarum usus multo antiquior est quam recentiores quidam scriptores suspicantur, & Annatas* (more suo) appellant *primos fructus unius anni Sacerdotii vacantis*, aut *dimidiam eorum partem*.

Annua pensione.

Annua pensione is a Writ by which the King, having due unto him an annual Pension from any Abbot or Prior for any of his Chaplains which be will name, who is not provided of a competent Living, demands it of the said Abbot or Prior for one that is named in the same Writ, until, &c. and also commands him, for the better certainty of his Chaplain, to give his Let-

Annua pensione.

Annua pensione est un Brief per que le Roy, aiant due a luy un annual Pension de ascun Abbot ou Prior pur ascun de ses Chaplains que il voile nommera, que nest provide dun competent Benefice, ceo demand del dit Abbot ou Prior pur un que est nome en mesme le Brief, jefque, &c. & auxy luy command, pur le meux assurance de son Chaplain, a doner

doner ses Letters Patents a luy pur icel. Vide *Fitzh. Nat. Brev. fol. 231.* ou poyes auxy veyer les nosmes de tous les Abbeyes & Priories que fueront lie a ceo en respect de leur foundation ou creation, & auxy pur le forme des Letters Patents usualment grant sur tel Brief.

ters Patents to him for the same. See *Fitzherb. Nat. Brē fol. 231.* where you may also see the names of all the Abbies and Priories which were bound to this in respect of their foundation or creation, and also for the form of the Letters Patents usually granted upon such a Writ.

Annuite.

A *Annuite* est un certain Sum de money grant a un autre en Fee-simple, Fee-tail, pur term de vie, ou pur term de ans, a recevoir del Grantor, ou ses Heirs, isint que nul Franktenement est charge de ceo, de que home navera unques Assise ou autre Action, forsque Brief de Annuity; & nest aucun Assets al Heire le Grantee, a que il descendra.

La sont plusors differences perenter Annuities & Rents: Car chescun Rent est issuant hors de Ter, mes un Annuity nest, mes chargera le person, cestascavoir, le Grantor ou ses Heirs, que ont Assets per descent, sinon que special proviso soit al contrary: come *Littl. Sess. 220.*

Auxy pur un Annuity nul Action gist, forsque solemt un Brief de Annuity vers le Grantor, ses Heirs ou Successors: & cest Brief de An-

Annuity.

A *Annuity* is a certain Sum of money granted to another in Fee-simple, Fee-tail, for term of Life, or for term of years, to receive of the Grantor, or of his Heirs, so that no Free-hold is charged therewith, whereof a man shall never have Assise nor other Action, but a Writ of Annuity; and it is no Assets to the Heir of the Grantor, to whom it shall descend.

There are many differences between Annuities and Rents: for every Rent is issuing out of Land, but an Annuity is not, but charges the person, that is, the Grantor or his Heirs, which have Assets by descent, if some special proviso be not to the contrary: as *Littl. Sess. 220.*

Also for an Annuity no Action lies, but only a Writ of Annuity against the Grantor, his Heirs or Successors: and this Writ of Annuity ne-

her lies against the taker of the profits, but only against the Grantor, or his Heirs. Where- as for a Rent the same Actions lie against the Tenant of the Land, and sometimes against him that is taker of the Rent, that is, against him that takes the Rent wrongfully. Also an Annuity is not to be taken for Illers, because it is not any free-hold in Law. And it shall not be put in Execution upon a Statute-Merchant, or Statute-Staple, or Elegit, as a Rent may. Doct. & Stud. cap. 30. See Dyer fol. 345. pla. 2. Also an Annuity cannot be severed, Co. l. 8. fol. 52. b. according to the Verse there :

Let no Judge himself endeavour
Annuities or Debits to sever.

Anoyfance.

A Noyfance is a word used in the Statute of 22 Hen. 8. cap. 5 and signifies no more than Nufance, and therefore see Title Nufance.

Apostata capiendo.

A Postata capiendo is a writ directed to the Sheriff, for the taking of the body of one who, having entered into, and professed some order of Religion, leaves his said order, and departs from his house, and wanders in the country: upon a Cer-

Annuity ne unques gist vers le pernor des profits, mes seulement vers le Grantor ou ses Heirs. Lou pur un Rent mesmes les Actions gisonent envers le Tenant del Tef, & ascun foies envers celui q est pernor del Rent, cest a savoir, vers luy que prist le Rent tortieusement. Auxy un Annuity nest desli prisé pur Assets, pur ceo q nest asé Franktenement en Ley. Et ne serra mis in Execution sur un Stat. Merchat, Stat. Staple, ou Elegit, sicome un Rent puit. Doct. & Stud. cap. 30. Vide Dyer fol. 345. pla. 2. Auxy un Annuity ne pout estre sever, Co. l. 8. f. 52. b. accordant a Mesme la :

*Annale aut debitum
Judex nec separat esse.*

Anoyfance.

A Noyfance est un parol use en le Statute 22 H. 8. cap. 5. & signifie nient plus que Nufance, & puit ceo vld. Tit. Nufance.

Apostata capiendo.

A Postata capiendo est un Bre direct al Viscount, pur le prend del corps d'un q, ayant enté & professé asc. Order de Religion, relinquit le dit Order, & vait son Meason, & est Vagrant en le pais : & sur un Certificate d' ceo

E maner

matter p le Sovereign del dit Meafon de Religion fait en le Chancery, & le prier del dit Brē, il avera ceo direct al Viscount p la apprehender d luy, & redeliver al dit Sovereign del Meafe ou son loyal Attorney. Vid. le form del Brē en Fitz. Nat. Br. 233. c.

tificate of this matter made by the Sovereign of the House in the Chancery, and the praying of the said Writ, he shall have it directed to the Sheriff for the apprehending of him, and redelivering of him to the said Sovereign of the House, or his lawful Attorney. See the form of it in Fitz. Nat. Br. 233. c.

Appeal.

Appal est lon un ad fait Murder, Robbery, ou Mayhē, donqs le feme cestuy q est tue avera un Action de Appeal vers le Murderer; mes sil nad feme adonques son prochain Heir male avera le Appeal a ascun temps deins lan & jour apres le fact.

Auxy cestuy que est issiat rob' ou maimed avera son Appeal: & si le Defendant soit acquite, il recovers damages vers le Appellour & l' Abettors, & ils averont imprisonment dū an, & sera fin al Roy. Appeal de Maimē nest en manner forsque Action de Trespals, car il ne recovers forsque damages.

Appeals sont comēce deux voyes, ou p Brief, ou p Bill. Per Brief, quant un Brief est purchase hors del Chancery p un hōc vers aut, luy comandant q il appellera un tierce home dasc Felony ou autre offence per luy commit, & a trover pledges que il ceo ser-

Appeal.

Appel is where one hath done a Murder, Robbery, or Mayhem, then the wife of him that is slain shall have an Action of Appeal against the Murderer; but if he have no wife, then his next Heir-male shall have the Appeal at any time within a year and a day after the deed.

Also he that is so robbed or maimed shall have his Appeal: and if the Defendant be acquitted, he shall recover damages against the Appealer and the Abettors, and they shall have the imprisonment of a year, and shall make fine to the King. In Appeal of Mayhem is in manner but a Trespals, for he shall only recover damages.

Appeals are commenced two ways, either by Writ or by Bill. By Writ, when a Writ is purchased out of the Chancery by one man against another, commanding him that he shall appeal a third man of some Felony or other offence by him committed, and to find pledges that he shall

shall do this with effect; and this Writ is to be delivered to the Sheriff to be recorded.

Appeal by Bill is, when a man of himself gives his accusation of another man in writing to the Sheriff or Coroner, and takes upon himself the burthen of appealing him that is named in the said writing. Appellant is the Plaintiff in the Trial.

ra ove effect; & cest Bri^e est desire deliver al Vicount desire Record.

Appeal per Bill est, quant un home de lay mesme done son accusation d'auter home en escript al Vicount ou Coroner, & prist sur luy le burden d'appealing cestuy que est noime en le dit escript. Appellant est le Plaintiff en le Appeal.

Appendant & Appurtenant.

Appendant & Appurtenant.

Appendant & Appurtenant are things that by time of prescription have belonged, appertained, and are joyned to another principal thing, by which they pass and go as accessory to the same special thing, by virtue of these words, Pertinentiis, as Lands, Tithings, Commons, Piscaries, Ways, Courts, and divers such like to a Manor, House, Office, or such others.

Appendant & Appurtenant sont choses que per temps de prescription ont belog, appertain, & sont joyn al u aut principal chose, ove que ils passont & va com accessa^r al m principal chose, p virtue d'ceux parols, Pertinentiis, cōe Ter, Advowsons, Commons, Piscalles, Chimins, Courts, & divers tiels sēblables, al u Man, Meason, Office, ou tiels aut.

Apportionment.

Apportionment.

Apportionment is a dividing into parts a Rent which is dividable; and not entire or whole; and sozasmuch as the thing out of which it was to be paid is separated and divided, the Rent also shall be divided, having respect to the parts. As if a man have a Rent-Service issuing out of Land, and he purchases parcel of the

Apportionment est un dividing en parts un Rent le quel est dividable, & nient entire ou whole; & entant q le chose hors de quel il suit desire pay est separate & divide, le Rent auxy se^r divide, aiant respect a les parts. Sicōe un home ad un Rent-Service illuant hors de Terres, & il purchase parcel de le
E 2 Terre,

Terre, le Rent serra appor-
tion accordant al value del
Terre.

Mint si hōe tient son Terre
dun aut' p' Homage, Fealty,
Escuage, & certain Rent, si le
Seignr de q' Terre est tenu
purchase parcel del Terre, le
Rent serra apportion.

Item si home lessa terres p'
ans, reservant Rent, & apres
un estrange recover part de
le tē donques le Rent serra
apportion, cest adire, divide,
& le Lessee paiera, aiant res-
pect a ceo q' est recover, & a
ceo que ore remain en ses
maines accordant al value.

Mes ū Rent-charge ne poit
ēē apportion, ne choses q' sont
entire: Sicome un tient Tērs
per service de payer a son
Snr annuellement a tiel Feast
un Chival, Esperver, ū Rose,
un Cherry, ou tiels sembla-
bles; la si le Snr purchase
parcel de la tē, cest Service
est tout ale, pur ceo que un
Chival, Esperver, Rose, ou
un Cherry, & tiels auters, ne
poyent estre divide ou appor-
tion, sans damage al entierly.

En asc' cases Rent-charge
serra apportion: Come si
home ad Rent-charge issuant
hors del tē, & son pere pur-
chase parcel de les Terres
charges en fee, & morust, &
cel parcel descend a son firs
que ad le Rent-charge; ore
cel charge serra apportion so-
lonque le value de la terre, p'
ceo que tiel portion de la

Land, the Rent shall be appor-
tioned according to the value
of the Land.

So if a man hold his Land of
another by Homage, Fealty,
Escuage, and certain Rent, if the
Lord of whom the Land is hol-
den purchase parcel of the Land,
the Rent shall be apportioned.

And if a man let Lands for
years, reserving Rent, and after
a stranger recover part of the
Land, then the Rent shall be ap-
portioned, that is, divided, and
the Lessee shall pay, having re-
spect to that which is recovered,
& to that which yet remains in
his hands, according to the value.

But a Rent-charge cannot
be apportioned, nor things that
are entire: As if one hold Land
by Service to pay to his
Lord yearly at such a Feast
an Horse, an Hawk, a Rose, a
Cherry, or such like; there if
the Lord purchase parcel of the
land, this Service is gone ab-
solutely, because an Horse, an
Hawk, a Rose, a Cherry, and
such other, cannot be divided or
apportioned, without damage to
the whole.

In some cases Rent-charge
shall be apportioned: as if a
man hath a Rent-charge issuing
out of Land, and his Father
purchases parcel of the Lands
charged in fee, and dies, and this
parcel descends to his son who
hath the Rent-charge; there
this charge shall be apportioned
according to the value of the
land, because such portion of the
Land

Land purchased by the Father, comes not to the son by his own act, but by descent and course of Law.

Common appendant is of a common right and severable; and although the Commoner in such case purchase parcel of the Land wherein the Common is appendant, yet the Common shall be apportioned: but in this case Common appurtenant and not appendant by such purchase is extinct. *Coke lib. 8. fol. 79.*

Appropriations.

Appropriations were, when those Houses of Religion, and those religious persons, as Abbots, Priors, and such like had the Advowson of any Parsonage to them and their Successors, and obtained licence of the Pope, Ordinary, and King, that they themselves and their Successors from thenceforth should be Parsons there, and that it should be from thenceforth a Vicarage, and the Vicar should serve the Cure. And so at the beginning Appropriations were made only to those persons Spiritual that could administer the Sacraments and say divine Service, as Abbots, Priors, Deans, and such like. After by little and little they were enlarged and made to others, as namely to a Dean and Chapter, which is a Body corporate, consisting of many

tes purchase p le pere ne vient al fits p son fait demesne, mes p descent, & p course de Ley.

Common appendant est de common droit & severable; & coment que le Commoner en tiel case purchase parcel del terre en que le Common est eppendant, un le Common serra apportion: mes en tiel case Common appurtenant & nemy appendant per purchase est extinct. *Coke lib. 8. fol. 79.*

Appropriations.

Appropriations fuer, quane ceux Measons d Religion, & ceux Religions psons, come Abbots, Priors, & tiels semblables, avoient le Advowson d ascun Parsonage al eux & a leur Successors, & obtain licence de le Pape, Ordinary, & Roy, q ils mesmes & leur Successors de ceo en avant doivent estre Parsons la, & il serra en avant un Vicarage, & q le Vicar servera le Cure. Et issint al commencement Appropriations fueront faits solement a ceux persons Spirituels que pussioient minister les Sacraments, & dire divine Service, come Abbes, Priors, Deans, & tiels semblables. Apres per petit & petit ils fueront enlarge & fait as auters, come nolement al Dean & Chapter, quel est Corps corporat, consisting d

plufors, quel Corps enfemble ne puiſſont dire divine Service; &, que pluis fuit, al Nuns que fueront Prioieſſes d'asc Nunnery. quel fuit choſe horrible, entant que ils ne puiſſoient miniſter Sacraments, ne preach, ne dire divine Service al Parochians.

Et tout ceo fuit ſur preſence de Hoſpitality & maintenance de ycel. Et de ſupplier ſes deſects, un Vicar fuit deuiſe, quel ſerroit Deputy al Priors, ou Dean & Chapter, & auxy al darrein al dit Abbes, & auters a dire divine Service, & il averoit pur ſon labour forſque petit portion, & ils a quel le Appropriations fueront fait reſigneront le grand revenues; & ils ſeſoyent riens ꝑ ceo, ꝑ means de quel Hoſpitality decay en le lieu ou il doit eſtre chiefment gard, noſmement e le Parſh ou le Benefice fuit, & ou les profits creſſoyent: & ſiint il continue tanque a ceſt jour, ſi non pis, ven que non ſeulement les Freres & les Nuns, mais les Laiques tant homes q̄ femes en ont la poſſeſſion, al grand hinderance del Erudition, al impoveriſhment de le Miniſtery, & le infamy de la Goſpel & les Profeſſors de ycel.

Le Vicar avera un certain portion del Benefice, & le Abbe & le Covent ſerront Parſons, & averont les auters profits. Ceſt appelle un Ap-

many, which Body together could not ſay divine Service; and (which was more) to ſtuns that were Prioieſſes of ſome Nunnerie, which was a wicked thing, in regard that they could neither adminiſter Sacraments, nor preach, nor ſay divine Service to the Parſhioners.

And all this was upon preſence of Hoſpitality and maintenance thereof. And to ſupply theſe deſects a Vicar was deviſed, who ſhould be Deputy to the Priors, or to the Dean and Chapter, and alſo at the laſt to the ſaid Abbots, and others, to ſay divine Service, and ſhould have for his labour but a little portion, and they to whom the Appropriations were made ſhould retain the greater revenues; and they did nothing for it, by means whereof Hoſpitality decayed in the place where it ought to have been chiefly maintained, namely, in the Parſh where the Benefice was, and where the profits grew: and ſo it continues to this day, if not worſe, ſince not only Friers and ſtuns, but Lay-men and ſecular women are poſſeſſed of them, to the great hinderance of Learning, impoveriſhment of the Miniſtery, and infamy of the Goſpel and profeſſors thereof.

The Vicar ſhall have a certain portion of the Benefice, and the Abbot and the Covent ſhall be Parſons, and ſhall have the other profits. This is called Appropriation,

propriation, and then the Abbot and Covent shall be Parsons imparsones: but such Appropriation may not be made to begin in the life of the Parson, without his assent.

And after the Church was appropriated, then was it an incident inseparable to the House of Religion to which it was so appropriated. And therefore where the Lands of the Templars in England were given by the general words of an Act of Parliament of 17 E. 2. to the Hospitallers, it was adjudged, That the Hospitallers by the said Act should not have the Appropriation, for it was inseparably annexed to the Corporation of the Templars; which thing consisting in an inseparable privy, by the general words of an Act of Parliament shall not be transferred to others. Coke lib. 7. fol. 13. 2.

But if such Advowsons of the Parsonage be recovered by ancient Title, then the Appropriation is annulled. And it is called Appropriation, for that they hold the profits to their own proper use.

Approvement.

Approvement is, where a man hath Common in the Lords waste ground, and the Lord incloses part of the Waste for himself leaving nevertheless sufficient Common, with egres

propriation, & donques le Abbe, & le Covent seront Parsons imparsones: mes tiel Appropriation ne poit estre fait a commencer en le vie le Parson, sans son assent.

Et apres l'Eglise fuit appropriee, donques fuit ceo un Incident inseparable al Meason de Religion a q ceo fuit issint appropriate. Et p ceo ou les Terres des Templars en *Anglitterre* fueront done p les general parols dun Act d Parliament d 17 E. 2. al Hospitallers, fuit adjudge, Que les Hospitallers per le dit Act naveront l' Appropriation, car ceo fuit inseparablement annex al Corporation des Templars: quel chose consistent en inseparable privy, per general parols dun Act de Parliament ne serra transerre al auters. *Coke lib. 7. fol. 13. 4.*

Mes si tiel Advowson del Parsonage soit recover p ancient title, donques l' Appropriation est annulle. Et est appelle *Appropriation*, p ceo q'ils reigne les profits a leur pper use.

Approvement.

Approvement est, lou un home ad Common en le Waste terre d Seignior, & le Sür enclose part del Waste ref p luy meisme, relinquant nient obstant sufficient Comon, ove

ove egressie & regressie, par les
Comoners. Cest Incloure est
appel *Approvement*. Vide le
Reg. Judic. fol. 8, & 9.

Approver.

*A*pprover ou Appellor est
ce luy que ad fait alcun
Felony, le quel il confesse,
& a ore appel ou approve,
cest adire, accuse auters que
fueront Coadjutors ou Ay-
dors ove luy en felais, d'ceo
ou aut' Felonies, le q'il chose
il voise approve. Et cest
proof est desire ou p Barrat,
ou per le Pais, a son election
que approve. Cest accusation
est pluisors fois fait deva le
Coroner, que ou est assigne
a l'elion per le Court a preder
& recorder & q'il dit, ou est
appel p le Felon luy meisme,
& requite par le bone del
Prince & Publiqueweale, a re-
corder ceo q'il dira. Le Sere-
ment del Approver quant il
commence le combat, cõe auxy
le proclamation per les He-
raulds, apparont en *Crompt.*
pag. ult.

Si home que est de bone
fame soit appeal p un Appro-
ver, p q'il est prise & deteign
en prison, uncore il poit aver
un Brief deshe direct al Va-
count luy comandat a pmir-
ter le Parry appeal dec bail
p bone Mainpernors. Mes si
home appeal p un Approver
soit deteign en Prison, & apres

and regress, for the Comona-
ners. This enclosing is called
Approvement. See Reg. Jud. fol.
8, & 9.

Approver.

*A*pprover or Appellor is he who
hath committed some Fe-
lony, which he confesses, and
now appeals or approves, that
is, accuses others who were
Coadjutors or Helpers with
him in doing the same or other
Felonies, which thing he will
approve. And this proof is to be
either by Barrat, or by the
County, at his election that
appeals. This accusation is
often done before the Coroner,
who either is assigned to the fe-
lon by the Court to take and re-
cord that which he saith; or is
called by the Felon himself, and
required, for the good of the
Prince and Commonwealth, to
record that which he shall say.
The Oath of the Approver
when he begins the combat,
as also the Proclamation by
the Heraulds, appear in *Crompt.*
pag. ult.

If a man of good fame be ap-
pealed by an Approver, by
which he is taken and kept in
prison, yet he may have a Writ
to be directed to the Sheriff,
commanding him to suffer the
party appealed to be bailed by
good Sureties. But if a man
appealed by an Approver be
kept in prison, and afterwards
the

the Approver dies, there he may sue a Writ directed to the Sherif, to suffer him to be bailed upon good Surety, if he be not a notorious Felon, although he be not of good fame. *Fitz. N. B. 250. d.*

The Kings Approvers.

THE Kings Approvers are those that have the letting of the Kings Demesnes in small Mannors for the Kings greater advantage. And for such Approvers you may read in the Stat. 2 E. 3. c. 12. that they were men sent into divers Countreies to increase the Farms of Hundreds and Wapentakes. And you may see in the Statute made in 1 E. 3. c. 8. that the Sheriffs call themselves the Kings Approvers.

Arbitrement.

Arbiterment is an Award, a Determination, or Judgement, which one or more makes at the request of two parties at the least, for and upon some Debt, Trespass, or other Controversie had between them. And this is called in Latin *Arbitratus*, and Arbitrium; and they that make the Award or Arbitrement are called Arbitri, in English Arbitrators. To every Arbitrement five things are incident; *sc.* Matter of Controversie, Submission,

le Approver devie, la il puit sue un Brief direct al Vinc, a pmitter luy de aler a mainprise sur bone Surety, si ne soit notorious Felon, come q il ne soit d bone fame. *Fitz. N. B. 250. d.*

Approvers le Roy.

Approvers le Roy sont ceux que ont le demiser des Demesnes le Roy deins peris Manors le Roy pur le plus availle le Roy. Et des tiels Approvers poies veier en le Stat. 2 E. 3. c. 12. que fuerot homes mis en divers Countreies p increase les Farmes des Hundreds & Wapentakes. Et est a veier en le Stat. 1 E. 3. c. 8. que les Visç appel eux mesmes les Approvers le Roy.

Arbitement.

Arbiterment est un Award, a Determination ou Judgement, quel un ou plusieurs font at request de deux parties al meins, pur & sur aucun Det, Trespass, ou autre Controverſie ewe penter eux. Et cest appel en Latin *Arbitratus*, & Arbitrium; & ils que sont le Award ou Arbitrement sont appel Arbitri, en Anglois Arbitrators.

A chesc Arbitrement cinq choses sont incident; *sc.* Matter de Controversie, Submissi-

on,

on, Parties al Submission, Arbitrers, & Render suis del Arbitrement. Dier 217. pl. 60. Si l' Arbitrement soit fait, q' lun partie alera quer de tous Actions que l'autre ad vers luy, & riens est dit des Additions que il ad vers l'autre; cest Arbitrement est void, p' ceo que suit fait de lun part, & nemy de l'autre 7 H. 6. c. 40.

Quant un Submission a un Arbitrement est general a tous Actions, &c. & le Arbitrat' fait un Award seulement de un, uneore ceo bien poit estoyer ove le generalitee des parols q' la ne suit forsque un Cause dependant p'ent' eux; car, *Generale nihil certi implicat*. Et si le Arbitrement serroit p' ceo void, donques plusieurs Arbitrements poient ee void; car lun poit conceal un Trespass fait, ou aut' cause de Action donee a luy, & lissent a void l' Arbitrement. Auxy nul party al aue Arbitrement ser p' ceo lye, sinon q' le Award soit a luy deliver, cœc est cas. l. 3. f. 103. Vide cas. l. 8. f. 98.

Arches.

Arches (for curia de Archibus) est le principal & plus ancien Consistory q' appartient al Archevesque de Can. & est appel de les Arches del Eglise lon le dit Court est tenu, viz. Ecclesia B. Marie de Archib e Londres. Et de cest

Parties to the Submission, Arbitrers, and giving up of the Arbitrement. Dyer 217. pl. 60. If the Arbitrement be made, that the one party shall go quit of all Actions which the other hath against him, and nothing is said of the Actions which he hath against the other; this Arbitrement is void, because it was made of the one part, and not of the other. 7 H. 6. ca. 40.

When a Submission to an Arbitrement is general of all Actions, &c. and the Arbitrator makes an Award only of one; yet this may well stand with the generalitee of the words, that there was but one Cause depending between them; for, A generalitee implies no certainty. And if the Arbitrement should be in this avoided, then many Arbitrements might be avoided; for the one might conceal a Trespass done, or other cause of Action given him, and so avoid the Arbitrement. Also no party to any Arbitrement shall be by it bound, unless the Award be delivered unto him, as it is in Co. lib. 3. f. 103. See Co. l. 8. fol. 98.

Arches.

Arches (or the Court of the Arches) is the chief and most ancient Consistory belonging unto the Archbishop of Canterb. and it is called from the Arches of the Church where the Court is kept, namely, Bow-Church in London. And of this Court men

mention is made in Stat. 24 H. 8. cap. 12. touching Appeals.

Court mention est fait en Stat. 24 H. 8. c. 12. touchant Appeals.

Arms.

Arms.

Arms, in the understanding of the Law, is extended to any thing that a man, in his anger or fury takes into his hand to cast at, or strike another. *Crompt. Justice of Peace. fol. 65. a.*

Armes, en le intelligence del Ley, est extend a toutes choses q un home, en son ire ou furie, prend en sa main pur jetter ou serier un autre. *Crompt. Just. P. f. 65. a.*

Array.

Array.

Array is the taking or ordering a Jury or Enquest of men that are impannelled upon any cause, 18 H. 6. cap. 14. from whence comes the Verb, to array a pannel, *Old N. B. f. 157.* that is, to set forth one by another the men that are impannelled. The Array shall be quashed, *ibid.* By Statute every Array in Assise ought to be made four dayes before. *Brook tit. Pannel. num. 10.* To challenge the Array. *Kitch. 92.*

Array est le disposing ou orderer du Jury ou Enquest de hoims q sont impannel sur une cause, 18 H. 6. c. 14. de q vient le verb, *al. arrayer un Pannell. Vtt. N. B. f. 157.* cest adire, a mitter hors un paur les homes q sont impanel. Le Array sera quash, *ib.* Per Statute chesc Array en Assise devolt destr fait quater jours devant. *Brook. tit. Pannel, num. 10.* A challenge le Array, *Kitch. 92.*

Arrain.

Arrain.

Arrain is to put a thing in order or in his place: As one is said to arrain an Assise of Novel Disseisin in the County in which it ought to be brought for trial before the Justices of that Circuit, *Old N. B. fol. 109.* And in such sense *Litt.* hath used the same word, The Assise arrains

Arrain est a mitter un chose en ord ou en son lieu: Sicom il est dit arrain un Bré de Novel Disseisin en un County en que il devolt estre port p rial devant les Justices de cel Circuit. *Vtt. N. B. fol. 109.* Et en riel sensé *Litt.* ad use mesme l' parol, le Lessee

Ice arraigñ un Affise de *Novel Disseisin*. Auxy un prison est dit destre arraigñ, quant il est indict & mis a son trial.

an *Writ* of *Novel Disseisin*. Also a prisoner is said to be arraigned, when he is indicted and put to his trial.

Arrerages.

Arrerages sont Duties a-rere nient pay apres le jours & temps en que ils fueront dues, & doyent aver estre payes, soyent ils Rents de Manor, ou ascun autre chose reserve.

Arrerages.

Arrerages are Duties behind unpaid after the days and times in which they were due, and ought to have been paid, whether they be Rents of a Manor; or any other thing reserved.

Arrest.

Arrrest est quant un est pris & restrain a son liberty. Nul serra arrest p Det, Trespass, Detinue, ou autre cause de Action, mes p vertue dun Precept ou Commandement hors de asc Court. Mes p Treason, Felonie, ou debrufer del Peace, chesc hom ad auctorite d arrestez sans Garrantie ou Precept. Et lou serra arrest p Felonie, il covient, q ascun Felonie soit fait, & que il soit suspect de m le Felonie; ou autrement il poit aver envers luy que issint luy arrest n Brief d faux Imprisonment. Et quant asc hoc est arrest por Felonie, il serra amene a le Goale, la a demurre tanque al pchein Session, p estre indict, ou deliver p Proclamation.

Arrest.

Arrrest is when one is taken and restrained for his liberty. None shall be arrested for Debt, Trespass, Detinue, or other cause of Action, but by virtue of a precept or commandment out of some Court. But for Treason, Felony, or breaking of the Peace, every man hath authority to arrest without warrant or Precept. And where one shall be arrested for Felony, it behooves that some Felony be done, and that he be suspected of the same Felony; or otherwise he may have against him that did so arrest him a Writ of false imprisonment. And when any man shall be arrested for Felony, he shall be brought to the Goal, there to abide till the next Sessions, to be indicted or delivered by Proclamation.

Arrested.

Arretted.

Arretted is he that is conden-
ted before any Judge, and
charged with a crime. Some-
times it is used for imputed or
laid unto: As no folly can be
arretted to him that is within
age, *Lit. cap. Remit.* This word
may come of the Latin word
Rectus, for Baſton hath this
Phrase, *Ad rectum habere male-
factorem*, so that he may be char-
ged and put to his trial. And in
another place he saith, *Rectatus
de morte hominis.*

Assach.

Assach seems to be a British
word, and to signifie a
strange kind of Excuse or Pur-
gation by the Darts of 300.
men. *Anno 1 H. 5. cap. 5.*

Assart.

Assart is an offence commit-
ted in the Forest, by pulling
up by the Roots the Woods
which are thickets or coverts of
the Forest, and by making them
as plain as the arable Land.
This Assart of the Forest is the
greatest offence or trespass that
can be done in the Forest to Warr
or Venison, containing in it
Waste, or more: For where
Waste of the Forest is nothing

Arretted.

Arretted est cestuy q est ap-
pel devant aucun Judge,
& charge ove un crime. ASC
soits cest use pur impute ou
laid unto: Siccome nul folly
puit estre arret a luy que est
deins age, *Lit. cap. Remit.* Cest
parol poit venter d Latin pa-
rol *Rectus*, car *Bracton* ad cest
Phrase, *ad rectum habere male-
factorem*, issint que il poit
estre charge & mis a son trial.
Et en aut lieu il dit, *Rectatus
de morte hominis.*

Assach.

Assach semble estre un Bri-
tish parol, & signifie un
estrange espece d Excuse ou
Purgation per les Sacraments
de trois cens homes. *An. 1.
H. 5.*

Assart.

Assart est un offence com-
mit en le Forest per
attachement le Boys que sont
thickets ou coverts del Fo-
rest & p seafance de eux cy
plain com le ter arable. Cest
Assart del Forest est plus grãd
offence ou trespass q puit estre
fait en le Forest al Warr ou
Venison conteignont en ceo
Waste, ou plus: Car ou Waste
del Forest n'est fors q le selling
&

& succiding del Covert Boys, q̄ poit en temps recrescer; un Assart est un arrachm̄t p̄ le root, p̄q̄ ils ne unques poiēt crefoer. *Manw. part. 2. cap. 9. nō. 1.* Un Brief d̄ *Ad quod dampnum* poit estre agard, lou un home vōlle sue pur un licence d'assart son tēf deins le forest, & faire c̄ Several pur Agriculture; issint que nesi asc̄ offence sil soit fait per licence. *Regist. orig. f. 257.*

but the felling and cutting down of the Covert wood, which may in time grow again; an Assart is a pulling up by the root, by which they can never grow again. *Man. part. 2. c. 9. num. 1.* A Brief of *Ad quod dampnum* may be awarded, where a man will sue licence to assart his Land within the Forest, and make it several for Tillage; so that it is no offence if it be done by licence. *Regist. orig. fol. 257.*

Assault.

A *Sault* (du Francois *Affaillir*) signifie un violent facōn de Injurie offer a la person de un hōe, d̄ un nature plus extēdue q̄ Battery; per ceo q̄ il poit estre cōmis en offrant un coup, ou p̄ les parols menaccants. *Lamb. Eiren. l. 1. cap. 3.*

A *Sault* (from the French *Affaillir*) signifies a violent kind of injury offered to a mans person, of a more large extent than Battery; for it may be committed by offering a blow, or by a terrifying speech. *Lamb. Eiren. lib. 1. cap. 3.*

Assayer.

A *Ssayer* est un Officer del Mint appoint per le Statute 2 H. 6. c. 12. desirē present al receit del Bullō, come un party indifferent enter le Master del Mint de le Merchant pur determine le uray value de Bullion solonque le Ley.

A *Ssayer* is an Officer of the Mint appointed by the Stat. of 2 H. 6. c. 12. to be present at the taking in of the Bullion as a party indifferent between the Master of the Mint and the Merchant, to set the true value of the Bullion according to the Law.

Affects.

Assets.

Assets is in two sorts; the one called Assets per descent, the other, Assets enter maines. Assets per descent is, where a man is bound in an Obligation, and dies seised of Lands in Fee-simple, which descend to his Heir, then his land shall be called Assets, that is, enough or sufficient to pay the same debt; and by that means the Heir shall be charged as far as the Land so to him descended will stretch. But if he have aliened before the Obligation be put in Suit, he is discharged.

Also when a man seised of lands in tail, or in the right of his wife, aliens the same with warranty, and hath in value as much Lands in Fee-simple, which descends to his Heir, who is also Heir in Tail, or Heir to the woman: now if the Heir, after the death of his Ancestor, bring a Writ of Formedon, or Sur cui in vita, for the land so aliened; then he shall be barred, by reason of the Warranty, and the land so descended, which is as much in value as that which was sold, and so thereby he hath received no prejudice. Therefore this Land is called Assets per descent.

Assets enter maines is, when a man indebted (as before is said) makes Executors, and leaves them sufficient to pay, or

Assets.

Assets est en deux sorts; l'un appel Assets per descent, l'aut' Assets enter maines. Assets per descent est, l'un homme est obligé en une Obligation, & mourust seise de terres en Fee-simple, qu'on descend a son Heir, donques cest ter' serra appel Assets, cest adire, suffisant de payer cest dett; & p cest means le Heir serra charge cy avant q le ter' issint a luy descēd voill stretch. Mes sil alien devant que le Obligation soit mise en suit, il est discharge.

Auxy quant un homme seise de ter' en tail, ou en droit d son feme, alien ceo ove Garranty, & ad en value tant terre en Fee-simple, que descend a son Heir, q est auxy Heir en Tail, ou Heir al feme: ore le Heir, apres le mort son Ancestor, port u Briel de Formedon, ou Sur cui in vita, p le terre issint alien; donques il serra Barf, per reason dun Garranty, & terre issint descend, que est tant en value come ceo que fuit vende, & issint per ceo il nad receive aucun pjudice. Pur ceo cest terre est appel Assets per descent.

Assets enter maines, est quat un homme en dett (comme devāt est dit) fait Executors, & relinquist a eux suffisent de payer

payer ou aucun commodity ou profit est venus al eux en droit leur Testator; cest appel *Assets en leur mains*.

some commodity or profit is come unto them in right of their Testator; this is called *Assets* in their hands.

Assignee.

A *Assignee* est celui a que un chose est appoint ou assign desire occupy, pay, ou fait; & est toussoirs tiel person que occupy ou ad le chose issint assigne en son droit demesne, & p luy mesme. Et d'Assignees il y sont deux sorts; nolsment, *Assignee in Fait*, & *Assignee in Ley*.

Assignee in Fait est, quant un Lease est grant al un & a ses Assignees, ou sans cest parol, *Assignees*, & le Grant done, grant, ou vend le dit Lease al aut, il est son Assignee en Fait. *Assignee in Ley* est chesq' Executor nolsme per le Testator en son Testament. Cōe si un Lease soit fait al ū home & a ses Assignees, (sicome est avantdit) & il fait ses Executors, & morust sans assigner del Lease al asq' auter; les Executors avera mesme le Lease, p ceo q' ils sont ses Assignees en Ley. Et issint est en autres semblables cases.

Assise.

A *Assise* est un Brē que gift ou asq' home est mis hors de son tē ou tenements, ou d'asq'

Assignee.

A *Assignee* is he to whom a thing is appointed or assigned to be used, paid, or done; and is always such a person who occupies or hath the thing so assigned in his own right, and for himself. And of Assignees there are two sorts, namely, *Assignee in Deed*, and *Assignee in Law*.

Assignee in Deed is, when a Lease is granted to a man and his Assignees, or without that word, *Assignees*; and the Grantee gives, grants, or sells the same Lease to another, he is his Assignee in Deed. *Assignee in Law* is every Executor named by the Testator in his Testament. As if a Lease be made to a man and his Assignees (as is aforesaid) and he makes his Executors, and dies without assignment of the Lease to any other; the Executors shall have the Lease, because they are his Assignees in Law. And so it is in other cases.

Assise.

A *Assise* is a writ that lies where any man is put out of his lands, tenements, or of any profit

profit to be taken in a certain place, and so disseised of his free-hold. Free-hold to any man is, where he is seised of lands and tenements, or profit to be taken in fee-simple, fee-tail, for term of his own or another mans life. But Tenant by Elegit, Tenant by Stat. Merchant and Stat. Staple may have Assise, though they have no free-hold; and this is ordained by divers Statutes.

In an Assise it is needful always that there be one Disseisor and one Tenant, or otherwise the writ shall abate.

Also where a man is disseised and recovers by Assise of Novel Disseisin, and afterwards is again disseised by the same Disseisor, he shall have against him a Writ of Redisseisin directed to the Sheriff to make inquisition; and if the Redisseisin be found, he shall be sent to prison. Also if one recover by assise of Mortduncaster, or by other Jury, or default, or by reddition, and if he be another time disseised, then he shall have a Writ of Post Disseisin; and he who is taken and imprisoned for Redisseisin, shall not be delibered without special commandment of the King. See the Statutes Merton c. 3. Marlebridge cap. 8. and Westminster 2. c. 26.

There is also another assise, called Assise of Fresh force, and lies where a man is disseised of tenements which are devisable, as in the City of London, or

profit & prendre en certain lieu & issint disseisie d son Franktenement. Franktenement a alc hōe est, lou il est seisie d terr ou tenements, ou profit a preder en Fee-simple, Fee-tail, pur term de son vie demesne ou p aut' vie. Mes Tenant p Elegit Tenant p Stat. Merchant & Stat. Staple poiēt aver Assise, comē que ils nont Franktenement; & cest ordein per divers Statutes.

En Assise il covient tous foirs que il soit un Disseisor & un Tenant, ou autrement le Brief abatera.

Auxi lou un hōe est disseisie, & recovers p Assise de Novel Disseisin, & puis est auter foirs disseisie p mesme le Disseisor, il avera vers luy un Brief d Redisseisin directē al Visē de faire inquisition; & si trove soit le Redisseisin, il serra mis en prison. Aux' si home recovers per Assise de Mortdauncaster, ou paut' Jury, ou p default, ou p reddition, & si soit auter foirs disseisie, il avera donques un Brief de Post Disseisin; & cestuy q est pris & imprison p Redisseisin, ne serra deliver sans especial commandēt le Roy. Vides les Statutes Merton c. 3. Marlebridge c. 8. & Westminster 2. c. 26.

Auxi il est un aut' Assise, nomē assise de Fresh force, & gist lou hōe est disseisie d tenements queux sont devisables, cōe en le City de Londres, ou

auter Boroughs ou Villes que sont Enfranchises; donques le Defendant viendra e le Court del dit Ville, & enter son Plaint, & avera un Brē direct al Major ou Bailiffs &c. & sur ceo passera un Jury en manner de Assise de Novel disseisin. Mes il covient q il ent son Plaitor deins quadragint jours, ut dicitur, ou autrement, il serra misse a le Common Ley. Et si les Ministers delay Execution, donques le Plaintiff avera un auter Brief daver Execution, & sicut alias, & un Plures, &c. Vide Littleton cap. 10.

other Boroughs or Towns that are franchises; then the Defendant shall come unto the Court of the said Town, and enter his Plaint, and shall have a Writ directed to the Mayor or Bailiffs, &c. and thereupon shall pass a Jury in manner of Writ of Novel Disseisin. But he must enter his Plaint within forty days, as it is said, or otherwise he shall be sent to the Common Law. And if the Officers delay the Execution, then the Plaintiff shall have another Writ to have Execution, and a Sicut alias, and a Pluries, &c. See Littleton cap. Rents.

Assise de darreine Presentment.

Assise de darrain Presentment. Vide Quare impedit.

Auxi est un Assise de Nuissance appel Assisa Nocumenti.

Assisa ultima Presentationis.

Assise de Mortdancastor.

Assise de Mortdancastor, Vid. Tit. Cofnage.

Association.

Association est un Patent mis p le Roy, ou de son motion demesme, ou al suit del

Assise de darrain Presentment.

Assise de darrain Presentment. See Quare impedit.

Also there is an Assise of Nuissance called Assisa Nocumenti.

Assise of the last Presentation.

Assise de Mortdancastor.

Assise de Mortdancastor, Look in the title of Cofnage.

Association.

Association is a Patent sent by the King, either of his own motion, or at the suit of the party

party Plaintiff to the Justices of Assise, to have other persons associated to them to take the Assise: And upon this Patent of Association, the King will send his Writ to the Justices of Assise, by it commanding them to admit them that are so sent.

If the King makes three Justices of Assise, and afterwards one of them dies, there the King may make a Patent of Association to another, to associate him to the two, in place of him that is dead; and a Writ which shall be close, directed to the two Justices that are alive, to admit him. F. N. B. 185.

Affoil.

Affoil comes from the Latin *absolvere*, and signifies to deliver or discharge a man of an Excommunication; and so it is used by Stamford, in his Pleas of the Crown, lib. 2. cap. 18. fol. 71. b.

Assumpsit. See Nude Contract.

Affumpsit is a voluntary promise made by word, by which a man assumes and takes upon him to perform or pay any thing to another. This word contains in it any verbal Promise made upon consideration, which the Civilians express by several words, according to the nature of the Promise; calling

party Plaintiff, al Justices de Assise, pur aver auters psons associes al eux de prendre le Assise: Et sur ceo Patent de Association, le Roy mandef son Bré as Justices de Assise, eux comandant p icel de eux admitter q sont issint mis.

Si le Roy fait trois Justices d Assise, & puis un de ceux devie, ore le Roy poit faire un Patent a un autre de Association, de associer luy a les deux, en lieu de cestuy que est mort; & un Brief, que serra close, direct a les deux Justices que sont en vie, d luy admitter. F. N. B. 185.

Affoyl.

Affoyl venist del Latine *absolvere*, & signifie pur bail ou discharge ascun del Excommunication; & issint est use per Stamford, Pleas de Coron. lib. 2. cap. 18. fol. 71. b.

Affumpsit. Vide Nude Contract.

Affumpsit est un voluntary promise fait per parol, p q home assume ou prist sur luy a payer ascun chose al autre. Cest parol conten en ycel ascun verbal Promise fait sur consideration, que les Civilians expresse per plusors parols, accordant al nature del Promise; ceo appellant as

soits *Pactum*, *Promissionem*,
auter soits *Sponfionem*, *Pollici-*
tationem, ou *Constitutum*.

it sometimes *Pactum*, *Promissi-*
onem, other times *Sponfionem*,
Pollicitationem, or *Constitutum*.

Attach.

A *Tratch* est un Priſure ou
Apprehending p^r command
ou Brief. La sont aucuns dif-
ferences perenter un Arrest
& un Attachment; car un
Arrest proceed hors del in-
feriour Courts per Precept, &
Attachment hors del superior
Courts p^r Precept ou Brief.
Lamb. Eiren. lib. 1. cap. 16.
Auxy un Arrest gift ſolement
sur le Corps d^e un home, lou
un Attachment est ascun ſoits
sur ſes biens ſolement; come
Kitch fol. 279. b. dit, que
home poit attach un Vache,
& en auter lieu, que home
poit eſtre attach per 100.
Barbits; & il est ascun ſoits
agard sur le Corps & Biens
ensemble al un & m^e le temps.

Attachment differ a un
Capias, car *Kitchin fol. 79.*
b. ad ceux parols, Nota que
en Court Baron home ſerra
attach per biens, & ne iſſera
Capias la: Per que il ſem-
ble Attachment est plus
general, extendant al pri-
ſure des biens, lou *Capias*
extend al priſure del Corps
ſolement.

Un Attachment differ a un
Distress, come appiert per
Kitch. fol. 78. a. ou il dit,
Proceſs en Court Baron est

Attach.

A *Trach* is a Taking or Ap-
prehending by Command
or Writ. There are ſome dif-
ferences between an Arrest and
an Attachment; for an Arrest
proceeds out of the inferiour
Courts by Precept, and At-
tachment out of the Superior
Courts by Precept or Writ.
Lamb. Eiren. lib. 1. cap. 16.
Also an Arrest lies only upon
the Body of a man, whereas an
Attachment is ſometimes upon
the Goods only; as *Kitch. fol.*
279. b. ſaith, a man may attach
a Cow, and in another caſe,
that a man may be attached
by an hundred Sheep; and it
is ſometimes awarded upon the
Body and Goods together at
one and the ſame.

Attachment differs from a *Ca-*
pias, for *Kit. fol. 79. b.* hath theſe
words, Note that in a Court of Ba-
ron a man ſhall be attached by
goods, and a *Capias* ſhall not go
out thence: By which it ſeems
Attachment is more general,
extending to the taking of
Goods, where a *Capias* extends
to the taking of the Body
only.

An Attachment differs from
a Distress, as appears by *Kit.*
fol. 78. a. where he ſaith, Pro-
ceſs in Court Baron is Summons
Attach-

Attachment, and Distress, which are Process at the Common Law.

There is also an Attachment of Privilege: and this is twofold; either giving power to apprehend a man in a place privileged, or by vertue of an Office or Privilege; as to call another to that Court to which he himself belongs, and in respect of which he is privileged. New Book of Entries, fol. 431. a.

And there is a Process called a Foreign Attachment, which is used to attach the goods of foreigners found within any Liberty or City, for a Debt due to the party himself. And, by the custome of some places, a man may attach goods in the hands of a stranger: As if A. owes to B. ten pounds, and C. owes A. another Summe of money, B. may attach the goods of A. in the hands of C. to satisfy himself in part or all, as the Debt is.

Also there is Attachment of the Forest, which is a Court there held every forty days throughout the year: In which the Sheriffs have not any authority, but to receive and inrol the Attachment of offenders against Vert and Venison taken by the other Officers, that they may be presented at the next Justice seat in Eyre. Manwood, part 1. pag. 93. cap. 22.

Summons, Attachment, & Distress, que sont Procèsse al Common Ley.

La est auxi un Attachment de Privilege: & ceo est en deux manières; ou donant poyer d apprehender un homme en un lieu privileged, ou p vertue dun Office ou Privilege; com de appeller un autre a cel Court a q il mesme est attendant, & en respect de quel il est privileged. Novel Livre de Entries, fol. 431. a.

Et la est Process appel Foreign Attachment, q est use al attacher les biens del Foreigners trouve d'ens aucun Liberty ou City, pur un Debt due al party mesme. Et p le customs d'aucuns lieux, homme poit attach biens en les mains dun Estranger: Come si A. devoit al B. 10 livres, & C. devoit al A. un autre sum de argent, B. poit attacher les biens de A. en les mains de C. a luy satisfaire ou en part ou en tout, come le Debt est.

Auxi la est Attachment del Forest, que est un Court la tenu chascun 40 jours per tout le an: En que le Verderors nont aucun authority, forsque de recevoir & inroller les Attachments del offenders encounter Vert & Venison prise per les autres Officers, q ils poient se present al prochain Justice seat en Eyre. Manwood part 1. p. 93. cap. 22.

Attainder.

Attainder est un Conviction dascun person dun crime ou fault dont il ne fuit convict devant: Sicome un home fait Felony, Treason, ou tiels semblables, & de ceo est indict, arraign, & trove guilty, & ad Judgment, donques il est dit destre *Attaint*. Et ceo poit estre deux voyes, le un sur Appearance, le auer sur Default. Le Attainder sur Appearance est per Confession, Battel, ou Verdict: le Attainder sur Default est per process tanque il soit outlawed.

Attaint.

Attaint est un Brief que gist lou faux Verdict est done per douze homes, & Judgment done sur ceo, donques le party vers que ils avoient pas, avera cest Brief vers les douzes homes; & quant ils sont a issue, il serra trie per vint quater Jurors, & si faux Verdict soit trove, les douz Jurors sont attaint; & donques le Judgment serra, que lour Prees seront eyrs, lour Measons destrufes, lour Bois subvertes, & tous lour Terres & Tenements forfeit al Roy: Mes sil passa encounter celuy que port cest attaint, il serra imprison, & grievousment ransom al vo-

Attainder.

Attainder is a Conviction of any person of a Crime or fault whereof he was not convicted before: As if a man have committed Felony, Treason, or such like, and thereof is convicted, arraigned, and found guilty, and hath Judgment, then he is said to be Attainted. And this may be two ways; the one upon Appearance, the other upon default. The Attainder upon Appearance is by Confession, Battail, or Verdict: the Attainder upon Default is by Process until he be outlawed.

Attaint.

Attaint is a Writ that lies where false Verdict is given by twelve men, and Judgment given thereon, then the party against whom they have passed, shall have a Writ against the twelve men, and when they are at issue, it shall be tried by twenty four Jurors, and if the false Verdict be found, the twelve men are attaint; and then the Judgment shall be, That their Meadows shall be eyred, their Houses broken down, their Woods turned up, and all their Lands and Tenements forfeited to the King: But if it pass against him that brought that Attaint, he shall be Imprisoned, and grievously

uously ransomed at the Kings mill. See the Statute 23 Hen. 8. cap. 3. Attaint also is when Judgment is given in Treason or Felony.

lunt le Roy. Vide le Stat. 23 Hen. 8. cap. 3. Attaint auxy est quant Judgment est done en Treason ou Felony.

Attendant.

Attendant is where one owes a duty or service to another, or as it were depends upon another: As if there be Lord, Mesne, and Tenant, the Tenant holds of the Mesne by a penny, the Mesne holds over by two pence, the Mesne releases to the Tenant all the right which he hath in the Land, & the Tenant dies; his wife shall be endowed of the land and she shall be Attendant to the Heir of the third part of one penny, and not of the third part of two pence; for she shall be endowed of the best possession of her husband. Also where the wife is endowed by the Guardian, she shall be attendant to the Guardian and to the Heir at his full age.

Attournment.

Attournment is, when one is Tenant for term of Life, and he in Reversion or Remainder grants his right or estate to another, then it behoves the Tenant for life to agree thereto; and this agreement is called an Attournment. For if he in the Reversion grant his estate and right to another, if the Tenant for life attourn not, nothing passes by the grant.

Attendant.

Attendant est ou un doit un Duty ou service al autre, ou cōe il sult depend sur autre: Come si la soit Seignior, Mesne, & Tenant, le Tenant tient del Mesne pur ũ denier, le Mesne tient ouster p deux deniers, le Mesne release al Tenant tout le droit que il ad en le terre, & le Tenent morust; sa feme serra endow del terre, & el serra Attendant al Heir del tierce part dun denier, & nemy del tierce part del deux deniers; car el serra endow del mieux possession de sa baron Auxi ou le feme est endow p le Gardian, el serra Attendant al Gardian, & al Heir a son plein age.

Attournment.

Attournment est, quant un est Tenant pur term de vie, & celiuy en l' Reversion ou Remainder grā a son droit ou estate a un aut', donques il coviēt q le Tenāt p vie agree a ceo; & cest agreement est appel Attournment. Car si celiuy en le Reversion grant son estate & son droit a ũ autre, si le Tenant p vie ne attourna, riens pas p le grant.

Mes

Mes fil soit grant per Fine en Court de Record, il serra compel d'atourne. Et vide de ceo apres, Titulo *Quid juris clamat*, & *Littl. lib. 3. cap. 10.*

But if it be granted by Fine in Court of Record, he shall be compelled to attourn. And see thereof after, Title *Quid juris clamat*, and in *Littl. lib. 3. cap. 10.*

Attorney.

Attorney.

A *Turney* est un designe per auter home a faire ascun chose en son lieu, le quel *nest* issint ad desing, Attorneys sont tiels persons q per consent, commandment, ou request, caveont, veieront al, & prendront sur eux le charge de besoins de auers homes en leur absence,

A *Turney* is one appointed by another man to do something in his stead, whom *West* hath defined thus, Attorneys are such persons as by consent, commandment or request, take care of, see to, and undertake the Charge of other mens Business in their absence.

Et lou en ancien temps ceux d'authority e Courts ot aver ceo e leur arbitrement, ou ils voient pmittre homes de appearer ou fuer p ascun aut q eux mesmes, come appiert p *F. N. B. 25.* en le Brie de *Dedimus potestatem de Attornato faciundo*, ou il est monstre, q homs fuer chascun a procurer les Briefs ou Letters Patents del Roy, al appointer Attorneys pur eux; il est ore provide p divers Stat. q il serra loyal issint a faire sans ascun circuit. Et la est grad diversite de Briefs e le table del Register, p q le Roy comand ces Judges al admit d Attornys.

And where in ancient time those of authority in Courts have had it in their dispose, when they would permit men to appear or sue by any other than themselves as appears by *F. N. B. 25.* in the Writ of *Dedimus potestatem de Attornato faciundo*, where it is shewed, that men were driven to procure the Writs, or Letters Patents of the King to appoint Attorneys for them; it is now provided by divers Stat. that it shall be lawful so to do without any such circuit. And there is great diversity of Writs in the table of the Register, by which the King commands his Judges to admit of Attorneys.

Per quel mees al darrein la fueront cy plusors imperite Attorneys, & cy plusors mischiefs p eux, q un Ast suit

By which means at last there were so many unskilful Attorneys, and so many mischiefs by them, that an Act was made

4. c. 18. ordained for their restraint, that the Justices should examine them, and put out the unskilful : and An. 33 H. 6. c. 7. that there should be but a certain number of them in Norfolk and Suffolk.

In what cases a man at this day may have an Atturney, and in what not, see F. N. B. in the place before cited.

Atturney is either general, or special, Atturney general, is he that is appointed to all our Affairs or Suits ; as the Atturney general of the King, Atturney general of the Duke, Cromp. 105. Atturney special or particular is he that is imployed in one or more things particularly specified. Atturneys general are made two ways, either by the Kings Letters Patents, or by our own appointment, before Justices in Eyre in open Court. See Glan. lib. 11. cap. 1. Brit. 126.

Audience Court.

Audience Court (Curia audientiz Cantuariensis) is a Court belonging to the Archbishop of Canterbury, of equal Authority with the Arches Court, though inferior both in dignity and antiquity. Of which you may read more in a Book entitled, De antiquitate Ecclesie Britannicæ historia.

4 H. 4. 18. ordeigne þ̄ lour restraint que les Justices examineront eux, & mittront hors le imperites : & An. 33 H. 6. c. 7. q̄ la ne serront mes un certain number de eux en Norfolk & Suffolk.

En queux cas s home a cest jour poit aver ũ Atturney & en queux nemy, veies F. N. B. en le lieu devant cite.

Atturney est ou general, ou special, Atturney general est cestuy que est designe a tous nostre affaires ou Suits, com̄ le Atturney general del Roy, Atturney general del Duke, Crom. 105. Atturney special ou particular est cestuy que est imploy en un ou plusors choses particularm̄t specifies. Atturneys gēeral sont faits deux voyes, ou per les Letters Patents del Roy, ou per nostre appointment devant Justices en Eyre en overt Court. Veies Glan. l. 11. c. 1. Brit. 126.

Curia de Audience.

Curia de Audience est un Cur̄ appartient al Archevesque de Canterbury, de legal authority ; avec le Curia de Arches, bien q̄ inferieur en digni. y & antiquity. De quel vous pois lire plusieurs en un Livre entitule, De antiquitate Ecclesie Britannicæ historia.

Audita

*Audita Querela.**Audita Querela.*

Audita Querela est un Brief que gist lou un est obligé en un Estatute-Merchant, Estatute-Staple, ou Recognisance, ou lou Judgment est done vers luy p^r Debt, & son corps en Execution sur é; donques fil ad un Releas, ou aut' sufficient matter desti discharge del Execution, mes nad jour en Court de ceo pleader, donques il avera cest Brief vers cestuy que ad recover, ou vers ses Executors.

Audita Querela is a Writ that lies where one is bound in a Statute-Merchant, Statute-Staple, or Recognisance, or where Judgment is given against him for Debt, and his body in Execution thereupon; then if he have a Release, or other matter sufficient to be discharged of Execution, but hath no day in Court there to plead it, then he shall have this writ against him which hath recovered, or against his Executors.

*Auditeur.**Auditor.*

Auditeur est un Officer del Roy ou del autre grand person, que per annuel Examination del Accounts de tout Inferior Officers accountable, fait un general Livre, que monstre le difference perenter leur Receptions ou Charge, & leur Payments ou Allocations. Veies le Stat. 33 H. 8. c. 33.

Est auxy un autre sort d' Auditors assigne p^r asc Court en quel un Defendant est adjudge d' Accounter, queux priesteront l' account, & mise ceo en form en escript, & donque ceo est enrol, & le Plaintiff plede a ceo, & le Defendant reply si mistier soit, & issint aleront al issue sur di-

Auditor is an Officer of the King, or some other great person, who, by yearly examining the Accounts of all under Officers accountable, makes up a general Book, that shews the difference between their Receipts or Charge, and their Payments or Allowances. See the Statute 33 H. 8. c. 33.

There is also another sort of Auditor assigned by any Court wherein a Defendant is adjudged to Account, who take the Account and put it in form into Writing, and then it is enrolled, and the Plaintiff pleads to it, and the Defendant replies, if occasion be, and so go to issue upon divers

vers points and particulars of
the Account.

vers points & particulars del
account.

Average.

Average is that Service which the Tenant owes his Lord, to be done by the Beasts of the Tenant: and it seems to be deriv'd from the word *Averia*, because it is the Service which the Tenants Beasts perform for the Lord by carriage or otherwise. This word also hath another signification, and is much used in the Statute 32 H. 8. c. 14. for a certain Contribution, which Merchants and others pay proportionably towards their losses that have their goods cast out in a tempest for the saving of the Ship, or of the goods or lives of them that are therein.

Averment.

Averment is, where a man pleads a Plea in Abatement of the Writ, or Bar of the Action, which he saith he is ready to prove as the Court will award. This offer to prove the Plea is called an Averment.

Also there is a Writ called a Writ of Averment, which is made out of any of the Law Courts of Westminster-Hall when the Action is depending, when the Sheriff upon a *Distringas*

Average.

Average est le Service que le Tenant doit a son Seign, destre fait p les Avers le Tenant: & semble destre derive del parol *Averia*, p ceo que est le Service que les Avers le Tenant pform pur le Seignior p carriage ou autrement. Auxy ceo parol ad un auter signification, & est mult use en le Statute 32 H. 8. c. 14. pur un certain Contribution, que Merchants & auters payont proportionalment pur les perdes de eux que ont leur biens ejects en un tempest p le safe-guard del Niese ou des blens & vifes de eux que sont en le Niese.

Averment.

Averment est, lou un home plead un Plea en Abatement del Brief, ou Bar de Action, que il dit est prisi de prover come le Court volt jagard. Cest offer de prover son Plea est appel un Averment.

Auxy est un Brief appel Brief de Averment, que est fait hors dascun Court del Ley a *westminster Sale*, ou un Action depend quant le Viscount sur un *Distringas* re-

retourne petits issues donques les Judges al Affises poir cause ceo destre enquisse p un Jury si le Viscount poir retourne plus issues des terres le Defendant, & si soit trove q il poir, donques il doit retourne plus issues a compel le Defendant de appear al suit del Plaincif, ou a faire ceo que le *Distringas* require luy a faire.

returns small issues; then the Judges of *Wille* may cause it to be enquired by a Jury if the *Sheriff* could return more issues of the Lands of the Defendant, and if it be found he may, then he must return more issues to force the Defendant to appear to the Plaintiffs suite, or to do what the *Distringas* required him to do.

Averpeny.

Averpeny est, quitam esse de diversis denariis pro areragiis Domini Regis.

Averpeny.

Averpeny is, to be quit of divers sums of money for the Kings arrearages.

Augmentation.

Augmentation fuit le nomme de un Court crect en le 27 An. del Roy Henry le huit. Et le cause de ceo fuit, q le Roy pult estre vierment use touchant les pfts de tiels Religious Measons & lour Terf que fueront done a luy p Act d Parliament mesme le an. nient imprimee. Pur le dissolving le quel Court la fuit un Act fait en le Parliament tenu en le prim an del Reign del Roign Mary, *Seff. 2. Cap. 10.* que el puis mis en Execution per sa Letters Patents. Le nomme del Court surde d ceo, Que les Revenues del Corone fueront tant augment p le Suppression des dit Measons quant le Roy reserve al

Augmentation.

Augmentation was the name of a Court erected in the 27 year of King Henry the eighth. And the cause thereof was, that the King might be justly used touching the profits of such Religious Houses and their Lands as were given him by Act of Parliament the same year, not printed. For dissolving which Court there was an Act made in the Parliament held in the first year of the Reign of Queen Mary, *Seff. 2. cap. 10.* which she afterward put in execution by her Letters Patents. The name of the Court arises from this, That the Revenues of the Crown were so much augmented by the Suppression of the said Houses as the King

King reserved to the Crown, and neither gave nor sold to others. But the Office of Augmentation remains to this day, wherein there are many Records of great use and importance.

Corone, & nient done ou vende al auters. Mes le Office de Augmentation remain a cest jour, en que la sont plusieurs Records de grand use & importance.

Aumone.

Aumone.

Aumone, or Tenure in Almoine, is Tenure by Divine Service; for so says Britton fol. 164. Tenure in Aumone is Land or Tenements given for Alms, whereof some Service is reserved to the Feoffor or Donor.

Aumone, ou Tenure en Almoine, est Tenure per Divine Service; car issint Brit. dit, fol. 164. Tenure en Aumone est terre ou tenements done a Aumone, dont ascun Service est retenue al Feoffor ou Donor.

Auncel weight.

Auncel weight.

Auncel weight was an ancient manner of Weighing in England, by the hanging of balances or hooks at each end of a staff, which the party lifted up upon his finger, or with his hand, and so discerned the equality or difference of the things weighed. But this weight being subject to much deceit, many Statutes were made to out it; as the Stat. of 25 E. 3. c. 9. & 34 E. 3. c. 5. & 8 H. 6. c. 5. and others. And it was called Auncel weight, as much as to say Hand-sale Weight.

Auncel weight fuit un ancient manner de poiser en Angleterre, par le pender des balances hooks al chescun fine d'un baston, le quel le party elevate sur son digit, ou over sa main, & issint discerne le equality & difference des choses poises. Mes ceo weight estant subject al mult deceit, divers Statutes fueront faits q' ceo ouster, com le Statute 25 E. 3. c. 9. & 34 E. 3. c. 5. & 8 H. 6. c. 5. & auters. Et fuit appel Auncel weight, quasi Hand-sale weight.

Auncient

Auncient ou ancien Demefne.

Ancient or Ancient Demefne.

A Ncient Demefne eft un certain Tenure per quel tous ceux Manors queux furent en maines de S. Edward le Confessor, & les queux il fist escrire en un Livre appel *Dooms-day sub titulo Regis*, & tous les ref tenus de dit Manors sont tenus; & les Tenants ne ferra implead hors del dir Mannors, & fil soyent, ils poyent monstre le matter, & abater le Brief: mes fil responder al Brief, & plead, & Judgment soit done, donques les terre sont devenus frank-fee a tous jours, Tantque ceo Judgment est reverse per Bré de *Disceit. Rast. Ent. 100, 221. 2 R. 3. 1. 11 H. 4. 36. 21 E. 3. 20.* Auxy tous Tenants e Ancient demefne sont frank d Tolle p tous choses concernont leur viand & husbandrie en ancient demefne, & p tiels terres ils ne ferra mis ne empañel sur asc Enquest. Mes tous les terres en Anciēt demesñ queux sont en maines le Roy sont frank-fee, & pleadable al Com Ley. Veies plus apres en le Title *Sokmans.*

Avoir de pois.

A Voir de pois est tant a dire, *veri sunt iusti ponderis*; Et signifie en nollr Ley

A Ncient demefne is a certain Tenure whereby all those Manors that were in the hands of S. Edward the Confessor, and which he caused to be written in a Book called *Dooms-day*, sub titulo Regis, and all the Lands holden of the said Manors, are held; and the Tenants shall not be impleaded out of the said Manors; and if they be, they may shew the matter, and abate the Writ: but if they answer to the Writ, and Judgment be given, then the Lands become frank-free for ever, until that Judgment be reversed by writ of *Disceit. Ra. Ent. 100, 221. 2 R. 1. 11 H. 4. 36. 21 E. 3. 20.* Also the Tenants in Ancient demefne are free of Toll for all things concerning their sustenance and Husbandry in ancient Demefne, and for such Lands they shall not be put or impannelled upon any Enquest. But all the Lands in Ancient Demefne that are in the Kings hands are frank-free, and pleadable at the Common Law. See more after in the Title *Sokmans.*

Avoir de pois.

A Voir de pois is as much as to say, true or just weight: And it signifies in our Law

Two things; first a kind of weight diverse from that which is called Troy Weight, which hath but 12 ounces to the pound, whereas Avoir de pois hath 16. Secondly, it signifies such Merchandises as are weighed by this weight, and not by Troy weight. As you may see in the Statute of York, 9. E. 3. & 27 E. 3. c. 19. Stat. 2. c. 10. and the Statute of Gloucester, 2 R. 2. c. 1.

deux choses; Primement, un kind d' pois different d' ceo q' est appel *Troy weight*, que nad forsque 12 ounces al liver, lou le *Avoir de pois* contein 16. Secondment, signifie tiel Merchandises queuxs sont pöses p' cest weight, & nemy per *Troy weight*. Come est a veier en le Stat. de York, 9 E. 3. & 27 E. 3. c. 19. Stat. 2. c. 10. & le Stat. d' Gloucester, 2 R. 2. c. 1.

Avowry.

A Vowry is, where one takes a Distress for Rent or other thing, and the other sues Replevin; then he that hath taken it shall Justifie in his Plea for what cause he took it: and if he took it in his own right, he ought to shew that, and so avow the taking, and that is called his Avowry. But if he took it in or for the right of another, then when he hath shewed the cause, he shall make consuance of the taking, as Balliff or servant to whom in whose right took it.

Avowterer.

A Vowterer is an Adulterer with whom a married woman continues in Adultery, the Crime is called Avowry, 43 E. 3. 19.

Avowrie.

A Vowrie est lou un prist Distress pur Rent ou autre chose, & l'auter sua Replevin; donques celui que avoit ceo prise justifiera en son Plea pur quel cause il prist ceo: & si il prist ceo en son droit demesne, il doit ceo monstre, & issint avow a le prisel, & ceo est appel son Avowrie. Mes si ceo prist en ou p' le droit d' un autre, donques quant il avoit monstre le cause, il ferra consuance del prisel, come Balliff ou servant a celui en q' droit il prist ceo.

Avowterer.

A Vowterer est un Adulterer ove que un feme Covert continue en Adulterie, le Crime est appel Avowry. 43 E. 3. 19.

*Awme.**Awme.*

A *Wme* est un Vessel que contiene 40 broces de vine Rhenish & est mention en Statute fait 1 Jac. 23.

A *Wme* is a Vessel that contains 40 gallons of Rhenish wine, and is mentioned in the Statute made 1 Jac. c. 23.

B**B***Backberind Thief.**Backberind Thief.*

B *Ackberind Thief* est un Laron prise ove le man, cest adire, aiant ceo tröve sur luy (estant pursue ove le Hue & Cry) le quel il ad emblee, soit il money, linen, woolen, ou aut' stuff: mes il est plus ppermissit dit, quant il est prise portant tielx choses q il ad emblee en un bundle ou fardel sur son Dorse.

Manwood en part 2. ceo note p un des quater circumstances ou cases en que un Forester poit arrest le Corps d asc offender encounter Vert ou Venison en le Forest; qux sont, *Dog-draw*, *Stable-stand*, *Back-berind*, & *Bloody-hand*.

B *Ackberind Thief* is a Thief taken with the manner, that is, having that found upon him (being followed with a Hue and Cry) which he hath stolen, whether it be Money, Linnen, Woollen, or other stuff: but it is most properly said, when he is taken carrying those things that he hath stolen in a bundle or fardel upon his Back.

Manwood in part 2. notes this for one of the circumstances or cases in which a Forester may arrest the body of any offender against Vert or Venison in the Forest; which are, Dog-draw, Stable-stand, Back-berind, and Bloody-hand.

*Badger.**Badger.*

B *Adger* est tant adire cossi Bagger, del Francois pa-

B *Adger* is as much as to say Bagger, of the French word

Ward Baggage, id est, *Sarcina*: And it is used with us for one that is licenced to buy Corn or other Victuals in one place, and carry them to another; and such a one is exempted in the Statute made in the 5 and 6 of E. 6. cap. 14 from the punishment of an Ingrosser within that Statute.

Bail.

BAIL is, when a man is taken or arrested for Felony, suspicion of Felony, indicted of Felony, or any such case, so that he is restrained of his liberty, and being by Law bailable, offers Sureties to those who have authority to bail him; which Sureties are bound for him to the Kings use in a certain Sum of money, or body for body, that he shall appear before the Justices of Goal-delivery at the next Sessions, &c. Then upon the Bonds of these Sureties, as is aforesaid, he is bailed, - that is set at liberty, until the day appointed for his appearance.

Manwood in the first part of his *Forest Law*, pag. 167. says, There is a great diversity between Bail and Mainprise; for he that is mainprised is always said to be at large, and to go at his own liberty out of ward, after he is put to Mainprise, until the day of his Appearance, by reason of Common

rol *Baggage*, id est, *Sarcina*: Et est use ove nous p un que est licence de acheter Corn ou auters Victuals en un lieu, & de eux transporter al autre; & tiel home est exempt en le Statute fait An. 5 & 6 E. 6. cap. 14. del punishment d un Ingrosser deins ceo Statute.

Baile.

BAIL est, quant u hom est prise ou arrest p Felony, suspicion d Felony, indict d Felony, ou au tiel case, issint que il est restraine d son liberte, & esteant p le Ley bailable, offera Surety al eux q ont auctorite de luy Bailier; queux Sureties sont oblige p luy al use le Roy en certain sum d arget, ou corps p corps, q il appiera devant les Justices d Goal-delivery al prochain Sessions, &c. Donques sur les Bonds d ceux Sureties (come est avantdit) il est bail, cest adire, mis al liberty, ranque le jour appoint p son Appearance.

Manwood in le prin part d son *Forest Ley*, pag. 167. dit, Que la est u grand diversity pent' Bail & Mainprise; car cestuy que est mainprise est tous foits dit destre a large, & daler a son liberty demes hors de gard, puis q il est mis al Mainprise, jesque le jour d son appareance, p reason d com

mon Summons, ou auterment. Mes nest issint ou home est mis al Bail p quar' ou deux homes, p le Sür chief Justice en Eyre del Forest, jescque un certain jour: car la il est tous soits account p le Ley deē en lour gard & custody p le temps, & ils poient, s'ils voilont, tener luy en gard ou en prison au c temps, ou auterment a lour volunt: issint q il q est bail ne serf dit p le Ley deē a large, ou a son liberty demesne.

Bailment.

Bailment est un Delivery de choses, soyent ils Elicips, Bieus, ou Stuff, al auter, ascun soits desirer redeliver arriere al Bailor, cest a dire, al celuy q issint deliver, ceo asc soits al use del Bailee, cest a dire, de luy a q il est deliver; & asc soits auxy il est deliver a u tierce person. Cest delivery est appele un Bailment.

Bailiff.

Bailiff est un Officer que appartient a un Mannor, p order le husbandry. & ad authority de payer Quit-rents issuant hors del Mannor, succider arbres, repair les Measōs, faire pales, haies, distrain avers damage sealant sur le terrē, & divers tiels semblables. Cest Offic est celuy que les ancient

Summons or otherwise. But it is not so where a man is put to bail by four or two men, by my Lord chief Justice in Eyre of the Forest, until a certain day: for there he is always accounted by the Law to be in their ward and custody for the time; and they may, if they will, hold him in ward or in Prison till that time, or otherwise at their will: so that he that is bail'd shall not be said by the Law to be at large, or at his own liberty.

Bailment.

Bailment is a Delivery of things, whether Writings, Goods, or Stuff, to another, sometimes to be delivered back to the Bailor, that is, to him that so delivered it; sometimes to the use of the Bailee, that is, of him to whom it is delivered; and sometimes also it is delivered to a third person. This delivery is called a Bailment.

Bailiff.

Bailiff is an Officer that belongs to a Mannor, to order the husbandry, and hath authority to pay Quit-rents issuing out of the Mannor, sell Trees, repair Houses, make Pales, Hedges, distrain Beasts doing hurt upon the ground, and others such like. This Officer is he whom the ancient Saxons

Saxons called a Reeve, for the name Bailiff was not then known amongst them, but came in with the Normans, and is called in Latin Villieus.

There are two other sorts of Bailiffs, that is, Bailiffs errant, and Bailiffs of Franchises. Bailiffs errant are those that the Sheriff makes and appoints to go about the Country to execute Writs, to summon the County Sessions, Assises, and such like: Bailiffs of Franchises are those that are appointed by every Lord within his Liberty, to do such Offices within his Precincts, as the Bailiff errant doth abroad in the County. This Bailiff distrains for Amerciaments in Courts held within the Manor of which he is Bailiff. But if such Court is by prescription to be held within one month after a Feast, and the Steward holds it after the month, and in this Court assesses a Fine or Amerciament, and the Bailiff distrains for it: the party that is so distrained may have an Action of Trespass against the Bailiff.

Saxons appel ü Reeve, car le nomme Bailiff ne suit donques connu enter eux, mes vient eins ove les Normans, & est appel en Latin Villieus.

La sont deux aut' sorts de Bailiffs, cest adire, Bailiffs errant, & Bailiffs de Franchises. Bailiffs errant sont ils q le Vicount fait & design daler environ le County a executer Briefs, a summon le County Sessions, Assises, & tiels semblables. Bailiffs de Franchises sont tiels que sont design p chescun Sñr deins son Liberty, a faire tiels offices deins son Precincts q le Bailiff errant fait a large en le County. Cest Bailiff distrain pur Amerciaments assesse en les Courts tenus deins le Mannor de quel il est Bailiff. Mes si tiel Court est p prescription desté tenu deins un mois apres un Feast, & le Seneschal tiene ceo apres le mois, & en ceo Court assesse un Fine ou Amerciament, & le Bailiff distrain p ceo; le party q est si sint distrein puit aver ü actiō de Trespass vers le Bailiff.

Bank.

Bank (in French Banque, i. Mensa) is most usually taken for a Seat or Bench of Judgment; as Bank le Roy, the Kings Bench, Bank de Common Pleas, the Bench of Common Pleas, or Common Bench, Kitchin fol.

Bank.

Bank (en Francois Banque, i. Mensa) est usualment pris pur un Selle ou Bank de Judgment; come Bank le Roy, Bank de Common Pleas, ou common Bank, Kitchin fol. 102. appel auxy en Latin

Bancus Regius, & Bancus Communium Placitorum. Crompt. Jur. fol. 67, & 91.

102. called also in Latin *Bancus Regius, and Bancus Communium Placitorum. Crompt. Jur. f. 67, & 91.*

Bank le Roy.

Kings Bench.

B*ank le Roy* est un Court a *Westminster* lou les Pleas del Corone, Debts, Trespasses & personel Actions, Errors, *Audita Querela*, &c. sont determine.

K*ings Bench* is a Court at *Westminster* where Pleas of the Crown, Debts, Trespasses, and personal Actions, Errors, *Audita Querela's*, &c. are determined.

Bankrupt.

Bankrupt.

B*ankrupt*, per le Statute 1 *Jac. c. 15.* est issint describe; tous & chescun tiel pson & persons, usât, ou q use-roit le Trade de Merchandise p voye d Exchanges, Barterie, Chevisâce, ou autermt è gros, ou p queront son, sa, ou lour Trade de viver p emption ou veditiõ, & esteant un subjeet nee de cesti Realm, ou asc des dominion del Roy, ou denizê, q al ascun temps citra le prim jour d cest presênt Parliamnt, ou al asc tẽps è apres departer a le Royalm, ou comẽnce a retaiñ son ou sa meason ou measons, ou autermt d absent luy ou sa m, ou prendra sanctuarie, ou suffer luy, ou sa mesme volũtarimnt desir arrest p asc Debt, ou asc chose niêt cresant ou due p argent dellver, wares vend, ou asc aut just ou loyal cause, ou bõ cõsideraç ou purposes, ou ad ou volle

B*ankrupt*, by the Statute 1 *Jac. c. 15.* is thus described; All and every such person and persons, using, or that shall use the trade of Merchandise by way of Bargaining, Exchange, Barter, Chevisance, or otherwise in gross, or by seeking his, her, or their trade of Living by buying and selling, and being a Subject born of this Realm, or any of the Kings Dominions, or denizon, which at any time since the first day of this present Parliament, or at any time hereafter shall depart the Realm, or begin to keep his or her house or houses, or otherwise to absent him or her self, or take sanctuary, or suffer him or her self willingly to be arrested for any Debt, or other thing not grown or due for money delibered, ware sold, or any other just or lawful cause, or good considerations or purposes, or hath or will suffer him

him or her self to be outlawed, or yield him or her self to prison, or willingly or fraudulently hath or shall procure him or her self to be arrested, or his or her goods, money or chattels, to be attached or sequestred, or depart from his or her dwelling-house, or make or cause to be made any fraudulent grant or conveyance of his, her, or their Lands, Tenements, Goods, or Chattels, to the intent or wherewith his, her, or their Creditors, being Subjects born, as aforesaid, shall or may be defeated or delayed for the recovery of their just and true Debt, or being arrested for Debt, shall after his or her Arrest lie in prison six months or more upon that Arrest or Detention in Prison for Debt, and shall lie in Prison six months upon such Arrest or Detention, shall be accounted and adjudged a Bankrupt to all intents and purposes. See the Stat. 14 Car. 2. ca. 23.

Banneret.

Banneret is a Knight made in the Field, with the ceremony of cutting off the point of his Standard, and making it as it were a Banner. And such are allowed to display their names in a Banner in the Kings Army, as Barons do. And that such were next unto Barons in Dignity, ap-

suffer luy ou sa m destre utlage, ou dō luy ou sa m al prison, ou volūtariemēt ou fraudulētmēt ad ou pcurera luy ou sa mesme deē arrest, ou ses ou sa biens, argent ou chattels, destre attach ou sequestre, ou departera de son ou sa meason inhabit, ou saiera ou causera destre fait ascun fraudulent Grant ou Conveyance de son, sa, ou lour Terfs, Tenements, biens ou Chattels, al entent ou p q son, sa, ou lour Creditors, esteant Subjects nec, come avantdit, serra ou poient esfre defeat ou delay per le recovery de lour just & voyer Dett, ou esteant arrest p Dett, apres son ou sa Arrest gisera in prison six moys ou pl' sur cē arrest, ou ascun aut' Arrest ou Detenē en Prison pur Dett, & gisera en Prison six moys sur riel Arrest ou Detention, serra accōpt & adjudge ū Bankrupt a chescū Intents & pposēs. Veies le Stat. 14 Car. 2. ca. 23.

Banneret.

Banneret est un Chivaler fait en le Campe, ove le Ceremony del amputer le point de son Standard, & seasant ceo sicome un Banner. Et tiels sont allows pur display lour armes en un Banner en le army le Roy, comē Barons sont. Et que tiels fueront pcheins as Barons en dignity,

appiert p le Statute fait en le 5 an d R. 2. Stat. 2. ca. 4. p quel Statute semble que tiels Bannerets fueront anciennement appels per summons al Parliament.

years by the Statute made in the 5 year of R. 2. Stat. 2. cap. 4. by which Statute it seems, such Bannerets were anciently called by Summons to the Parliament.

Bannum.

Bannus sive Bannum est un parol frequent & ordinary enter les Feudists, & signifie un Proclamation, ou asc public notice don d asc chose. Bra. l. 3. tra. 2. cap. 21. fait mention de Banno Regis p un Proclamation, ou silence fait p le Crier devat le congresse des Champions en un combat. Mes nous nossim cest parol Banns principalmt p le Publication des Contracts matrimonial en le Eglise devant Marriage.

Banns.

Banns is a word common and ordinary among the Feudists, and signifies a Proclamation, or any public notice given of any thing. Bra. lib. 3. tra. 2. cap. 21. makes mention of Bannus Regis for a Proclamation or silence made by the Crier before the meeting of the Champions in a combat. But we use this word Banns especially for the Publication of matrimonial Contracts in the Church before Marriage.

Bargain & Sale.

Bargain & Sale est, quant un Recompence est done p ambideux les parties al Bargain: Com si un bargain & vend son Ter al auter p arget, icy le ter est un Recompence a luy p le argent, & le arget est un Recompence al aut' p le Terre; & ceo est un bone Contract & Bargain. Et per tiel Bargain & Sale Terres poient passe sans Livrie de seisin, si le Bargain & Sale soit per Fait indent, seal &

Bargain & Sale.

Bargain and Sale is, when a Recompence is given by both the parties to the Bargain: as if one bargain and sell his Land to another for money, here the Land is a Recompence to him for the money, and the money is a Recompence to the other for the Land; and this is a good Contract and Bargain. And by such a Bargain & Sale lands may pass without Libery or seisin, if the Bargain and Sale be by Deed indented, sealed and

and inrolled either in the Countrey where the Land lies, or in one of the Kings Courts of Record at Westminster, within six months next after the date of the same writing indented, according to the Statute in that behalf made in the 27 year of H. 8. cap. 16.

inrolle, ou en le Countrey ou le terre gist, ou en un des Courts del Roy de Record al Westminster, deins six moys prochain apres le date de mesme le Escrip indente, &c. accordant al Statute en ceo case fait en le 27 an. d H. 8. cap. 16.

Barcary.

Barcary signifies a Farm house as it seems, *Rast. Ent. Tit. Assise en Corps politique 2.*

Barcary.

Barcary signifie un Farm meason come semble, *Rast. Ent. Tit. Assise en corps politique.*

Barmote.

Barmote are divers Courts not of Record within the Hundred of the Peak in Derbyshire for the regulation of Groves, Possessions, and Trade of the Myners and Lead.

Barmote.

Barmote sont divers Courts nient de Record deins le Hundred del Peak in Derbyshire pur le regulation des Groves, Possessions & Trade del Miners & Plumb.

Barony.

Barony is a certain Royal Lordship where the Kings myit runneth not, and held of the King. *Rast. Ent. Tit. Assise en Office. 1.*

Barony.

Barony est quoddam Dominium regale ubi Breve Domini Regis non currit, & tenentur de Domino Rege. *Rast. Ent. Tit. Assise en Office 1.*

Barr.

Barr is when the Defendant in any Action pleads a Plea which is a sufficient answer, and destroys the Action of the Plaintiff for ever.

Barr.

Barr est, quant le Defendant en aucun Action plede un Plea qui est un sufficient Respons, & ceo adnullle l'Action de Plaintiff a tous jours.

Et

Et ceo poit estre divide en *Barr al common intendment*, & *Barr special*. *Barr al common intendment* est un ordinary ou general Barr, que communement disable le Count ou Plea del Plainriff. *Barr special* est ceo que est plus que ordinary, & happa en le case en question, sur ascun special circumstance del fact: Come un Executor, esleant sue p le Dett de son Testator, plede, que il ad riens en ses maines al jour quant le Brief sult purchase; ceo est un bone Barr al common intendment, ou *prima facie*: mes uncore le case poit estre tiel, que plusors biens poient veñ a ses maines puis cel temps, que si le Plainriff poit monstre per voy de Replication, donq sinon que le Defendant ad un plus special Plea ou Bar d'alledge, il est desire condempne e l'acton. Veies *Plow. fo. 26, 28*. Et en mesme le sens Bar est auxy divide e *Barr material* ou *special*, & *Barr alarge*. *Kit. fo. 68*.

Barr est auxy en regard del effect divide en *Barr perpetual*, & *Barr temporary*. *Perpetual* est ceo que quash le Acton a tous jours: *Temporary* est ceo que est bone pur le present, & pult apres faller: come, *Plene administravit* est bone Barr jesque pult appearer q plusors biens viens puis al maines des Executors: queux auxy tiel p

And it may be divided into Barr to common intendment, and Barr special. Barr to common intendment is an ordinary or general Barr, which commonly disables the Declaration or Plea of the Plainriff. Barr special is that which more than ordinary, and falls out in the case in question, upon some special circumstance of the fact: As an Executor, being sued for the Debt of his Testator, pleads, That he hath nothing in his hands at the day of the Writ purchased; this is a good Barr to common intendment, or at first sight: but yet the case may be such, that more goods may come to his hands after that time, which if the Plainriff can shew by way of Replication, then, except the Defendant hath a more special Plea or Barr to alledge, he is to be condemned in the Action. See *Plow. fol. 26, 28*. And in the same sense Barr is also divided into Barr material or special, and Barr at large. *Kit. fol. 68*.

Barr is also in regard of the effect divided into Barr perpetual, and Bar temporary. Perpetual is that which overthows the Action for ever: Temporary is that which is good for the present, and may afterwards fail; as, Fully administered is a good Barr, until it appear that more goods came afterwards to the hands of the Executors: which also holds for the

the Heir, who in an Action for his Ancestors Debt pleads Nothing by descent. See Brook Tit. Bar. nu. 23.

le Heir, que en un Acc de son Ancestors Dett plede Reins p^r descent. Veies Brook tit. Barr. nu. 23.

Barre fee.

Barr fee.

BARR fee is a Fee of twenty pence, which every prisoner, acquitted of Felony, pays to the Sherif of Gaoler; of which see 21 H. 7. 16. b.

BARR fee est un Fee de vint deniers, q̄ chescū prisoner q̄ est acquit de Felony, paie al Viscount ou Gaolar; & de ceo veies 21 H. 7. 16. b.

Barretry.

Barretry.

IS a word used in Pollices of Insurance, and signifies dissentions and quarrels among the Officers and Seamen.

EST un parol use en Pollices d Insurance, & signifie dissentions & quarels penter les Offic & Seamen.

Barretor.

Barretor.

BARRETOR is a Common Mover, Stirrer up, or Maintainer of Suits, Quarrels, or parts, either in Courts, or in Country: In Courts of Record, and in the County, Hundred, and other inferior Courts: In Country in three manners; first, in disturbing the peace; secondly, in taking or detaining the Possessions of Houses, Lands, or Goods, &c. that are in question or controverſie, not only by force, but by subtilty and deceit, and more usually in suppression of truth and right; thirdly, by false inventing and sowing of Calumnies, Rumors and Reports, making discord and disquiet to rise between his Neighbourhood. See more of this, Co. lib. 8. fol. 36, 37.

BARRETOR est Common Mover, Excitor, ou Maintainer de Suits, Quarrels, ou parts, ou en Courts ou en Pays: En Courts de Record, & en le County, Hundred, & aut' inferior Courts: En Pays, en trois manieres; premierment, en disturbance del peace, secondment, en prise ou deteiner des possessions des maisons, terre, ou biens, &c. q̄ sont en question ou controverſie, non seulement p force, mes auxy p subtilty & deceit, & pluistost en suppression de verity & droyt; tiercement, p faux invention & sowing d Calumniations, Rumors, & Reports, faisant discord & disquiet surg' inter ses vicines. Veies plus d ceo, Co. lib. 8. fol. 36, 37.

Barretor.

Barter.

Barter semble de venir del
Francois parol *Barate*
(i. e.) *circumuenire* : & cest
parol est use ove nous pur le
Exchange des Wares pur
Wares, & est mention en les
Statutes 1 R. 3. cap. 9. &
13 Eliz. cap. 7.

Base fee.

Tener en *Fee Base* est, a
tenir a volunt le Seig-
nior. Et un *Base Fee* est auxy
lou ascun ad Estate en terre p
cy longe temps come auer
avera heirs de son corps; de
quel Estate veies *Plow. en*
walsinghams Case fol. 557.

Bastard.

Bastard est celuy que est
nec de ascun feme nient
esponse, issint que son pere
nest comus per le order del
Ley, & pur ceo il est dit *Fi-
lius populi.*

Quant especial Bastardie
est alledge, il serra trie p le
Pays, & demy per l'Evesque.
Mes generalment Bastardie
alledge serra trie per le Cer-
tificate del Evesque.

Et si un Feme soit grosse
de Enfant per son Baron, que
morust, & el prist auer Ba-

Barter.

Barter seems to come of the
French word *Barater*, which
signifies to circumvent, and
this word is used with us for
the Exchange of Wares for
Wares, and it is mentioned in
the Statutes of 1 R. 3. cap. 9. &
13 Eliz. cap. 7.

Base fee.

To hold in *Fee Base* is, to
hold at the will of the
Lord. And a *Base Fee* is also
where any hath an Estate in
Land so long as another shall
have Heirs of his body: of which
Estate see *Plow. in Walsingham's*
Case fol. 557. a.

Bastard.

Bastard is he that is born of
any woman not married, so
that his father is not known
by order of Law, and therefore
is reputed the Child of the Peo-
ple.

When special Bastardy is al-
ledged, it shall be tried by the
Country, and not by the Bishop.
But generally Bastardy alleg-
ed shall be tried by Certificate
of the Bishop.

And if a Woman be great
with child by her husband, who
dies, and she takes another hus-
band,

band, and after the Child is born; this child shall be esteemed the child of the first husband. But if she were privately with child at the time of the death of her first husband, then it shall be reputed the Child of the second Husband. But enquire farther, and see the opinion of Thorp. 21 E. 3. 39.

Also if a man take a Wife who is great with child by another who was not her husband, and after the child is born within the Espousals; then it shall be deemed the child of the Husband, though it were born but one day after the Espousals solemnized.

Baston.

Baston is a French word, and signifies a Staff; but in our Statutes it is taken for one of the Wardens of the Fleet's men, that attends the King's Courts with a painted Staff, for the taking of such to Ward as are committed by the Court, and for the attending upon such Prisoners as go at large by Licence. And so it is used in the Statutes 1 R. 2. ca. 12. & 5 Eliz. cap. 23.

Battail.

Battail is an ancient Trial in our Law, which the Defendant in Appeal of Murder, Robbery, or Felony, may choose, that is, to fight with

ron, & apres le enfant est nee, cest enfant serra dit le enfant de primer baron. Mes si el fuit privement enseint al tēps del mort sa primer Baron, donques il serra dit le enfant de second Baron. Sed quare, & veies le opinion de Thorp, 21 E. 3. 39.

Auxy si hom prent feme que soit grossement enseint p aucun autre que ne fuit sa baron, & apres le Enfant est nee deins les Espousels; donques il serra dit le enfant de baron, mesque il fuit nee forsque un jour apres les Espousals.

Baston.

Baston est un parol Francoys, & significat Baculum; mes en nre Statutes est prise pur un des servants del Gardein le Fleet, q attend les Courts le Roy ove un colored Baston, pur le prender d eux al gard que sont commise d le Court, & pur le attendre sur eux q esteats prisōners sōt p mises d aler alarge p licence. Et issint est use en le Statutes 1 R. 2. c. 12. & 5 Eliz. c. 23.

Battail.

Battail est un ancient Trial en nōstr Ley, q le Defendant en ū appeal d Murder, Robbery, ou Felōy, poit esliier cestascovoit, a combater ove le

l' Appellant, put proof sil soit culpable del Felony ou non : quel Combate sil succeed cy-bien del part le Defendant, que il vanquish le Appellant, il alera quit, & luy barrera de son Appeal a tout jours. Mes si un soit indiçt de Felony, & un Appeal est port sur meisme le Indictment, la le Defendant ne gagera le Battail. Battail auxy poit estre en un Brief de Droit, come est en *Paramour's Case*, *Dyer*, 301. *pla.* 41, 42. ou les Champions fueront eslies, & la Battel agard, & les Champions fueront p Malnprise & Jures de performer le Battel al *Torchil* en *Westminster*; mes per default de appearance en le Demandant riens suit fait en ceo.

the Appellant, for proof whether he be culpable of the Felony or not: which Combat, if it fall out so well on the part of the Defendant, that he doth vanquish the Appellant, he shall go quit, and barr him of his Appeal for ever. But if one be indicted of Felony, and an Appeal is brought upon the same Indictment, there the Defendant shall not wage Battail. Battail also may be in a Writ of Right, as in *Paramour's Case*, *Dyer* 301. *pla.* 41, 42. where the Champions chosen, and the Battail awarded, and the Champions were by Sureties and Oath to perform the Battel at *Torchil* in *Westminster*; but by default of appearance in the Demandant nothing was done therein.

Batterie.

Batterie est un act que tend al Breach del peace del Royalm; sicom quant un home assault & batter ū autre, ceo est encounter le Ley & peace del Royalm, le quel ordeigne, Que nul hom̄ serra son Judge demesme, ou Revēger de son private tort, mes ceo laissera al censure del Ley, que est tous foits prist de oyer & redresser les droitur̄al & just querels de chescun hom̄: pur q̄ cestuy q̄ est issint assault poit ou indier l'autre party, que sur ceo serra fin al Roy, ou aver son *Actiō d*

Batterie.

Batterie is an Act that tends to the breach of the peace of the Realm; as when a man assaults and beats another, this is against the Law and peace of the Realm, which ordeins, That no man shall be his own Judge, or Revenger of his own private wrong, but shall leave this to the censure of the Law, which is always ready to hear and redress the rightfull and just complaints of every man: wherefore he that is so beaten may either indite the other party who upon it shall be fined to the King, or have his *Action of Trespass*

Trespas of assault and Battery against him (for every Battery implies an assault) and recover so much in costs and damages as the Jury will give him by their Verdict; and the Defendant shall upon the Indictment be fined to the King, and the Action of Trespas will lie as well before as after the Indictment. But if the Plaintiff in such action makes the first assault, then the Defendant shall go quit, and the Plaintiff shall be amerced to the King for his false Suit. And it is to be observed, that the Record of the Conviction of the party by Indictment may serve for Evidence in the action of Trespas brought upon the same assault & battery.

But notwithstanding that the party shall have a twofold punishment for such offence, that is, shall be punished to the King and to the party; yet some there are who in respect of their natural, and others who in respect of their civil power and authority over others, in a reasonable and moderate manner may chastise, correct and beat them, as the Parents their child, the Master his Servant or Apprentice, the Goaler of his Servant, the unruly Prisoners, the Officer him that is arrested, and will not otherwise obey. Also a man may justify the beating another in defence of his own person, or of the person of his Wife, Father, Mother, or Master. And a man may justify the beating of

Trespas de Assault & Battery vers luy (car chescun Battery imply un Assault) & recover tant en costs & damages que le Jury voille doner a luy per leur Verdict; & le Defendant sur cest Indictment ferra fine al Roy, & le Action de Trespas voille gliser cybien devant come apres le Indictment. Mes si le Plaintiff en tiel Action fist le prim assault, donques le Defendant alera quit, & le Plaintiff ferra amerce al Roy pur son faux Suit. Et est desire observe que le Record del Conviction del party per Indictment poit serve p evidence en le action de Trespas port sur mesme le Assault & Battery.

Mes nient obstant que le party avera un double punishment p tiel offence, cest a dire, ferra, punish al Roy & al party; uncore ascuns y sont que en respect de leur natural, & auters q en respect d leur civil power & authority ouster aut, e un reasonable & moderate maner poiect eux chastiser, correcter, & batter; come le Parent leur Puer, le Master son Servant ou Apprentice, le Goaler ou son Servant les turbulent prisoners, le Offic cestuy q est arrest, & ne voile autmt obeyer. Auxi hom poit justifie le batture du auter e defence d son persō demesū, ou d l' pso d sō fem, pere, mieſ, ou maister. Et hom poit justifie le batture d

ū aut' en defence d ses biens,
& en maintenance de Ju-
stice. Mes est destre note,
Que en ceux cases, si homi ne
solt urge & constrain per un
necessary cause, il ne poit ju-
stifie le fait.

another in defence of his goods,
and in maintenance of Justice.
But it is to be noted, That in
these cases, if a man be not ur-
ged and constrained by a neces-
sary cause, he cannot justify the
deed.

Beacons & Seamarks.

SOME Fewes maintrain sur
les coasts del mere a pre-
venter Shipwracks & Inva-
sions. Co. 4. Inst. 148. order
p Commissioners del Roy.

Beacons and Sea-marks.

AB E fires maintained
on the coasts of the Seas
to prevent Shipwracks and In-
vasions, Co. 4. Inst. 148. ordered
by the Kings Commissioners.

Bedell.

BEdell est derive del Fran-
cois parol *Bedeau*, q̄ sig-
nifie le Messenger dun Court,
ou un q̄ cite homes a ceo pur
appear & responder. Et
Maxwood ca. 23. f. 221. a.
dit, que un Bedell del Forest
est un Officer que ala per tout
le Forest semble al special
Bailliff le Viscount.

Est auxy un Collector des
Rent p le Roy. *Plo. Com. 199.*
200.

Bedell.

BEdell is derived from the
French word *Bedeau*, which
signifies a messenger or an Ap-
paritor of a Court, that cites
men to the Court to appear and
answer. And *Manw. c. 23 f. 221. a.*
says, That a Bedell of a Fo-
rest is an Officer that goes
through all the Forest, like a
Sheriffs special Bailiff.

Is also a Collector of Rents
for the King. *Plo. Com. 199.*
200.

Benefice.

Benefice (*Beneficium*) est
generalment pris pur ascun
Living Ecclesiastiq̄, solt Dig-
nitie ou aut': come *An. 13. R.*
2 Stat. 2. c. 2. ou Benefices sont
devisé en *elective*, & *de don*.

Benefice.

Benefice (*Beneficium*) is gene-
rally taken for any Ecclesi-
astical Living, be it Dignity or
other: as *An. 13 R. 2 Stat. 2. c. 2.*
where Benefices are divided into
elective, and of gift.

Besaille.

Besaille.

Besaille is a Writ that lies for the Heir; where his Great-grand father was seised the day that he died, or died seised of land in Fee-simple, and a Stranger enters the day of the death of the Great-grand-father, or abates after his death, the Heir shall have his Writ against such a Disseisor or Abator: of which see Fitzh. N. B. 221. d.

Besaille.

Besaille est un Brieſ que gist par le Heir; lou son Besaille suit seise jour que il morust, ou morust seise de terre en Fee-simple, & un Estranger enter jour del mort le Besaille, ou abate apres son mort, le Heir avera cest Brieſ vers tiel Disseisor ou Abator: & veies de ceo Fitzh. N. B. 221. d.

Bewpleader.

Bewpleader is a Writ upon the Statute of Marlebridge, and lies where the Sherifſſ or other Bailiff in his Court will take a fine of the party Plaintiff or Defendant, to the end that he shall not plead fairly, &c. And the Writ shall be directed to the Sherifſſ himself, or to the Bailiff or him that will demand this fine; & it is as a Prohibition to him, commanding him that he shall not demand such a fine, and may be sued by all the Hundred, or by all the County, (as it seems) where he will demand such manner of fine of them. Fitzh. N. B. 270. 2.

Bewpleadre.

Bewpleader est un Brieſ sur le Statute de Marlebridge, & gist ou le Viscount ou autre Bailiff en son Court voile prendre u Fine del party Plaincifſ ou Defendant, p ceo que il ne pleadera bellement, &c. Et le Brieſ sera direct al Viscount meſme, ou al Bailiff, ou cestuy q voil demand cest Fine; & est come un prohibition a luy, commandant luy que il ne demandera tiel Fine, & puit estre sue p tout le Hundred, ou per tout le County, come semble, lou il voile demand tiel manner de Fine d'eux. Fitz. N. B. 270. 2.

Bigamie.

Bigamie was a Counterplea objected when the Prisoner

Bigamie.

Bigamie suit un Counterplea object quant le Prisoner

soner demand le Benefit del Clergie, cestascavoir, son Livre come nosmement, que il que demand le privilege del Clergie sult marrie a tiel feme en tiel Lieu, deins tiel Diocesse, & que el est mort, & q̄ il ad apres marrie un autre feme deins mesme le Diocesse, ou deins aucun autre Diocesse, & issint *Bigamus*. Ou sil nad estre forsque un temps marrie, dōques adire, q̄ el que il espouse est, ou sult un Viefe, cest adire, la Relict dun tiel, &c. Le quel chose ferra trie per le Evesque de le Diocesse ou le Epouseis sont alledge. Et esteant issint certifie p le Evesque, le prisoner pdera le Benefit del Clergie. Mes al cest jour, perforce de le Act fait 1 E. 6. c. 12. cest nul Plea, mes que il puit aver son Clergie ceo nient obstant. Issint est *Brook, titulo Clergie, placito*, 20, al mesme purpose.

demanded the Benefit of the Clergie, to wit, his Book, as namely, that he who demands the privilege of the Clergie was married to such a woman at such a place, within such a Diocess, and that he is dead, and that he hath married another woman within the same Diocess, or within some other Diocess, and so is *Bigamus*. Or if he have been but once married, then to say, that she whom he hath married is, or was a Widow, that is, the Relict of such a one, &c. which shall be tried by the Bishop of the Diocess where the Marriages are alledged. And being so certified by the Bishop, the prisoner shall lose the Benefit of the Clergy. But at this day, by force of the Act made 1 E. 6. ca. 12. this is no Plea, but he may have his Clergy notwithstanding. So is *Brook, titulo Clergie, Placito* 20. to the same purpose.

By-laws.

By-laws sont orders faits en Court-Leets ou Court-Barons p le comon consent p le bien d'eux. Et sont les seafors de eux q̄ sont appels *By-laws*, quasi *Bylaws*, ou *Bawrlaws*, de parol Germainois *Bawr*, id est, *Rusticus*; issint que *Bawrlaws* ou *By-laws* est tant adire com̄ *Leges Rusticorum*.

By-laws.

By-laws are Orders made in Court-Leets or Court-Barons by a common consent for the good of them that are the makers of them. And they are called *By-laws*, quasi *Birlaws*, or *Bawrlaws*, of the Dutch word *Bawr*, that is, a Countrey-man; and so *Bawrlaws* or *By-laws* is as much as the Laws of Countreymen.

Bilinguis.

Bilinguis.

Bilinguis in general is a man with a double tongue; but is commonly used for that Jury which passes between an English man and an Alien, whercof part ought to be Englishmen, and part Strangers. And for this cause it is enacted by the Statute of 28 E. 3. cap. 13. That if any variance chance to be about the packing of Woolle before the Mayor of the Staple, between the Merchants or Ministers of the same, thereupon, to try the truth thereof, Enquest shall be taken: and if the one party and the other be Denizens, it shall be tried by Denizens; or if the one party be Denison, and the other Alien, the half of the Enquest or of the proof shall be Denizens, and the other half Aliens.

Bilinguis en general est un homme ou à double langue; un il est communément use pour cest Jury qui passent perenter un homme d'Angleterre, & un Alien de que part convient ce homes de Angleterre, & part Estrangers. Et piceo est enact p le Statute d' 28 E. 3. c. 13. Que si asc debate happa desli sur le packing de Lane devant le Major del Staple, entre les Merchants ou Ministres del mesme, sur ceo, de prover la veritie de ceo, Enquest serra prise: & si lun partie & laut soit Denizen, il serra trie per Denizens; ou si lun partie soit Denizen, & laut alien le Moiety d' l' Enquest ou del proof serra Denizens, & laut Moiety de Aliens.

Bill.

Bill.

BILL is all one with an Obligation, saving that when it is in English, it is commonly called a Bill, in Latin an Obligation. Also a Declaration in writing that expresses either the grievance and wrong which the Complainant has suffered by the party complained of, or else some fault by him committed against some Law or Statute of the Realm. By a Bill

BILL est la mesme chose avec un Obligation, forsque quant il est en Anglois, il est communément appel un Bill, en Latin, un Obligation. Auxy un Declaration en escript, qui expresse ou le grievance & injury que le Plaintiff ad suffer p le partie de qui le plaint est fait, ou asc fault p luy comise contre asc Ley ou Statute de le Royalm. Per

un *Bill* nous maintenant entendons un single Bond sans Condition; p. un Obligation, un Bond ove un Penalty & Condition, *west. part. 2. Symbol. tit. Supplications, sect. 52.*

we now ordinarily understand a single Bond without a Condition; by an Obligation, a Bond with a Penalty and Condition. *West. part. 2. Symbol. tit. Supplications, sect. 52.*

Billa vera.

Billa vera est le Endorsement del grand Inquest sur ascū Presentment ou Indictment q̄ ils trouvent estre probablement voyer.

Billa vera.

Billa vera is the Indorsement of the grand Inquest upon any Presentment or Indictment which they find to be probably true.

Blackmail.

Blackmail est un parol use en le Stat. 43 *Eliz. c. 13* & signifie ū certain rate des Deniers, Blects, Cattel, ou autre cōsideration, don p les povers homes en le North parts de *Angleterre*, as homes d grand noſm & alliance en ceux parts destre p eux pfects de ceux q̄ usualment robbe & embler la.

Blackmail.

Blackmail is a word used in the Statute of 43 *Eliz. c. 13.* and signifies a certainty of Money, Corn, Cattel, or other consideration, given by the poor people in the North of England, to men of great name and alliance in those parts, to be by them protected from such as usually rob and steal there.

Black rod.

Black rod est le Huissier appartenant a tres Noble Order d Jarter; issint appel de la *Black rod* q̄ il port en son main. Il est aussi Huissier d la Meason des Peers en Parlaſſent.

Black rod.

Black Rod is the Huissier belonging to the most Noble Order of the Garter; so called of the Black rod he carries in his hand. He is also Huissier of the Lords house in Parliamt.

Bloodwit.

Bloodwit.

Bloodwit.

Bloodwit is to be quit of **A**merciaments for Blood=shedding; and what Pleas are holden in your Court, you shall have the **A**merciaments thereof coming; because (**Wit**) in English, is *Misericordia* in Latin.

Bloodwit est, quietum esse de *Amerciamenis de Sanguine fuso; & qua teneantur Placita in Curia vestra, habebitis Amciamienda inde provenientia; quia (Wit) en Anglois est Misericordia en Latin.*

Bloody hand.

Bloody hand.

Bloody hand is the apprehension of a **T**respasser in the Forest against Venison, with his hands or other part bloody, though he be not found chasing or hunting. Of which see *Manwood*, part 2. c. 18.

Bloody hand est l' apprehension d'un **T**respasser en le Forest vers Venison, ove ses maines ou asc part d luy embrues en sang, comt q il ne soit trove chasing ou hunting. De quel veies *Manw. par. 2. c. 18.*

Bockland.

Bockland.

Bockland in the Saxons time was that we at this day call **F**ree=hold Land, or Land held by **C**harter; and it was by that name distinguished from **F**olkland, which was **C**opy=hold Land.

Bockland en temps de Saxons suit ceo tere q nous a ceo jour appellom **F**ranktenement, ou tere tenus p **C**harter; & suit p ceo nosme distinguish del **F**olkland, q suit terre tenus p **C**opy.

Bona notabilia.

Bona notabilia.

Bona notabilia is where a man dies having goods to the value of five pound in divers **D**iocesses, then the **B**ishop ought to grant **A**dministration; and if any inferior **B**ishop do grant it, it is void, 37 H. 6. 27. 28. 10 H. 7. 18. *Dyer* 305.

Bona notabilia lou un home devy ayant biens al value de 5 l. en divers **D**iocesses, dunque le **A**rchievesque doit commit **A**dministration; & si ascun inferior **E**vesque grāt ceo, est void. 37 H. 6. 27. 28. & 10 H. 7. 18. *Dytr* 305.

H 2

Bordlands.

Bordlands.

Bordlands signifie le Demesnes que Seigniors tenent en leur maines demesne, p le maintenance de leur Bords ou Tables. *Bracton l. 4. tract. 3. c. 9. num. 5.*

Bordlands.

Bordlands signifie the Demesnes which Lords keep in their own hands, for the maintenance of their Bord or Table. *Bracton l. 4. Tract. 3. c. 9. num. 5.*

Borow.

Borow (q ovesque nous signifie un ancient Ville, com appiert p *Littleton, sect. 164.*) en u parol derive du del François *Burg*, id est *Pagus*, ou del Saxon parol *Bo-hoe*, id est, *Pignus*, p ceo q en ancient temps vicines dun Ville deveignont Pledges lun p lautre: & d ceo venust *Headborow*, p le chief Pledge ou *Borbot-Aldere*, que nous appellomus le Borowholder ou le Bursholder.

Borow.

Borow (which with us signifies an ancient Town, as appears by *Littleton. sect. 164.*) is a word derived either of the French *Burg*, id est *Pagus*, or of the Saxon *Borhoe*, id est, *Pignus*, for that anciently the Neighbours of a Town became Pledges one for another: and from thence comes *Headborow*, for the chief Pledge or *Borbot-Aldere*, with us now called the *Borowholder* or *Bursholder*.

Borow English.

Borow English est un customary Descent del Terres ou Tenements en quelques lieux, p la quel ils vient a la plus june firs, ou si le ppreteur ad nul issue, a le plus june frere; com en *Edmuntton. Kitch. in fol. 102.*

Borow English.

Borow English is a customary Descent of Lands or Tenements in some places, whereby they come to the youngest son, or if the owner have no issue, to his youngest brother, as in *Edmuntton, Kitchin fol. 102.*

Borowhead.

Borowhead. Veles *Headborow.*

Borowhead.

Borohead. See *Head-borow.*

Bore:

Bote.

BOte is an old word signifying Help, Succor, Aid, or Advantage, and is commonly joyned with another word, whose signification it doth augment; as these, Bridgebote, Burghbote, Firebote, Hedgebote, Plowbote, & divers other, for whose significations look in their proper Titles.

Bottomry vulgo Bomry.

In when a Master of a Ship in case of necessity doth engage his Ship for money for use of the Ship.

Bribor.

BRibor (Fr. Bribeur, i. Mendicus) seems to signifie one that pilfers other mens goods. Anno 28 E. 2. Stat. 1.

Brief.

BRief (Breve) signifies most properly in our Law, the Process that issues out of the Chancery or other Court, commanding the Sherifff to summon or attach A. to answer to the Suit of B. &c. But more largely it is taken for any Precept of the King in writing under Seal, issuing out of any Court, whereby he commands any thing to be done for the furtherance of Justice and good order. And they are therefore called Briefs, because they briefly comprehend the cause of the action. And some of them are Di-

Fote.

BOte est un veil parol, & signifie Help, Succor, Aid, ou Advantage; & est commune-
ment joyn oves un aut' parol, q
significatiō il augmēt; cōe ceux,
Bridgebote, Burghbote, Firebote,
Hedgebote, Plowbote, & divers
tiels semblables, p̄ queux sig-
nifications veies ē leur proper
Titles.

Bottomry vulgo Bomry.

EST quant un Master dun Neife en case de necessi-
ty gage ceo p̄ denyers p̄ le use
de le Neife.

Bribor.

BRibor (Fr. Bribeur, i. Mendicus) semble d̄ signifier
luy q̄ pilfer les biens des aut'
hom̄s. An. 28 E. 2. Stat. 1.

Brief.

BRief (Breve) signifie plus
appropriē ē nostre Ley,
le Process que issuit hors del
Chancery ou autre Court,
commandant le Visē de sum-
moner ou attacher A. p̄ res-
ponder al Suit B. &c. Mes
plus largēment est prise p̄ aucun
Precept del Roy en escript
fourth Seal, issuant hors d̄ asē
Court, p̄ q̄ il command aucun
chose deē fait pur le further-
ance del Justice & bone or-
der. Et ils sent appel Briefs
(Brevia) p̄ ceo q̄ ils briefment
cōprehend l' cause del Actiō,
& rem brevier enarrāt. Et asē
H 3 de

d'eux sont Originals, & ascū
Judicials, come poles veier a-
large en le Register des Brēs.

ginal, and some judicial, as you
may see at large in the Register
of Writts.

Broadhalpeny.

Broadhalpeny en ascun Co-
pies Broadhalspeny, hoc
est, *quietum esse de quadam con-*
suetudine exacta pro Tabulis
levie ou Boords en Faires ou
Markets; & ceux q' esteont
enfranchised p' le Charter le
Roy de cest custom ont cest
parol mise ē leur Let' Parents:
p' reason d' quel, a cest jour le
Enfranchisement mesme (p' le
brevity d' elocation) est ap-
pel Broadhalspeny.

Broadhalpeny.

Broadhalpeny in some Copies
Broadhalspeny, that is, to be
quit of a certain custome exact-
ed for setting up of Tables or
Boards in Fairs or Markets;
and those that were freed by the
Kings Charter of this Custome
had this word put in their Let-
ters Patents: by reason where-
of, at this day the freedom it
self (for brevity of speech) is
called Broadhalspeny.

Broker.

Broker semble de venir del
parol Francois *Broieur*,
id est, *Tritor*, cestuy q' grinde
ou rumper un choie en petit
parcels. Et le voyer office
dun Broker, come appiert p'
le Stat. fait 1 Jac. c. 21. est
de bas, contriver, faire &
concluser bargains ent' Mer-
chants & Tradesmen. Mes le
parol est ore auxi appropriate
as eux que achate & vende
vieux & broken apparel &
Houshold-stuff.

Broker.

Broker seems to come of the
French word *Broieur*, id est,
Tritor, he that grinds or breaks a
thing into small pieces. And
the true trade of a Broker, as it
appears in the Statute made
1 Jac. c. 21. is to beat, contrive,
make and conclude Bargains be-
tween Merchants and Trades-
men. But the word is now
also appropriated to those that
buy and sell old and broken
apparel and Household-stuff.

Brugbote.

Brugbote (& en ascuns Co-
pies Bridgebote) est *quietum*

Brugbote.

Brugbote (and in some copies
Bridgebote) is, to be quit
of

of giving aid to the repair of
Bridges.

*esse de auxilio dando ad refici-
endum Pontes.*

Bull.

Bull.

BULL is an Instrument so called, granted by the Bishop of Rome, and sealed with a Seal of Lead, containing in it his Decrees, Commandments, or other Acts, according to the nature of the thing for which it is granted. And these Instruments have been heretofore used and of force in this Land: but by the Statute of 28 H. 8. c. 16. it was enacted, That all Bulls, Breves, Faculties, and Dispensations of whatsoever name or nature that it was, had or obtained from the B. of Rome, should be altogether void and of no effect. See Rastal. 328. C. D.

BULL est un Instrumēt issint Bappel, grant p l' Eveſque d Rome, enſeal ove un Seal de plumbe, & continent en c̄ les Decrees, Comādmēts, ou aut' Acts, accordant al nature del chose p̄ que ll est grant. Et ceux Instrumēts ont estre cy devant use & de force en cest Terre: mes p le Statute de 28 H. 8. c. 16. fult enact, Que tous Bulls, Breves, Faculties, & Dispensations, de quelque noſme ou nature que il fuit, ad ou obtaine del Eveſque de Rome, ferront tout ouſſerment void, & del nul effect. Vide Rastal. 328. C. D.

Bullion.

Bullion.

Bullion comes from the French word Billon, which is the place where Gold is tryed. And so Bullion is taken in the Statutes made in 27. E. 3. Stat. 2. c. 14. and in 4 H. 4. Stat. 1. c. 10. for the place whither Gold or Silver is brought to be tryed or exchanged. But Bullion is also taken in the Stat. 9 E. 3. Stat. 2. c. 2. for Gold or Silver in the Mass or Billet.

Bullion venust del parol Francois Billon, que est le lieu lou Or est trie. Et issint Bullion est prise en les Statutes faits en 27 E. 3. St. 2. c. 14. & en 4 H. 4. St. 1. c. 10. p̄ le lieu a que Or ou Argent est port destr̄ trie ou exchāge. Mes Bullion est auxy prise en le Statute 9 E. 3. Stat. 2. c. 2. p̄ Or ou Argent en le Masse ou Billet.

Burbreach.

Burbreach.

Burbreach is, to be quit of Trespases done in

Burbreach est, quiet' esse de Transgressionibus factis in ci-

Civitate vel Burgo contra
pauperes.

City or Borough against the
Peace.

Burgage.

Burgage.

TEn ē *Burgage*, est a ten si-
come les Burgers teignent
d Roy ou d autre Seignr, Ter-
res, ou Tenements rendant a luy
un certain Rent p an; ou au-
terme lou un aut' hom q Bur-
gers tient dasc Seignr Terres
ou Tenements en Burgage ren-
dant a luy un certain Rent.

Thold in Burgage is, to
hold as the Burgagers hold
of the King, or of another Lord,
lands or tenements yielding him
a certain Rent yearly, or else
where another man then Bur-
gers holds of any Lord, Lands
or Tenements in Burgage, yiel-
ding him a certain Rent.

Burghbote.

Burghbote.

Burghbote est, quietum esse de
auxilio dano ad faciendum
Burgum, Castrum, Civitatem,
Muros prostrat'.

Burghbote is, to be quit of gi-
ving aid to make a Bur-
rough, Castle, City, or Walls
thrown down.

Burgh English.

Burgh English.

Burgh English, ou Borrough
English, est u Custome en
un ancient Borough, que si
un hom ad issue divers firs, &
morust, uncore le puisne firs
solenit inherit, & avera
routs les Terrs & Tenements
q fueront de son pere, d que
il morust seisie deins mesm le
Burgh, p descent, come Heir
a son pere, p force del Cu-
stome de le mesme le Burgh.

Burgh English or Borough Eng-
lish, is a Custome in some
ancient Borough, that if a man
hath issue divers sons, and dies,
yet the youngest son only shall
inherit, and have all the Lands
and Tenements that were his
fathers, whereof he died seised
within the same Borough, by
descent, as Heir to his Father
by force of the Custome of the
same Borough.

Ceo tenure est auxy de Co-
pyhold Estates p Custome de
divers Mannors.

This Tenure is also of Co-
pyhold Estates by Custome of
divers Mannors.

Burglary.

Burglary.

Burglarie.

Burglary is, when one breaks and enters into the House of another in the night, with felonious intent to rob or kill, or to do some other Felony; in which cases, although he carry away nothing, yet it is Felony, for which he shall suffer death. Otherwise it is if it be in the day-time, or that he break the House in the night, and enter not therein at that time.

But if a Servant conspire with other men to rob his Master, and to that intent opens his Masters doors and windows in the night for them, and they come into the house by that way; this is Burglary in the Strangers; and the Servant is a Thief, but no Burglar. And this was the opinion of Sir Roger Manwood, Knight, Lord chief Baron of the Exchequer, at the quarter Sessions holden at Canterbury in January 1579. 21 Eliz.

Burglarie est, quant un de-bruse & enter en le meason d'un auter en le nuit, ove felonious intent de robber ou occlder, ou de faire auter Felonie; en queux cases, nient obstant il import riens, uncore il est Felony, p que il serra pendue. Auterment est sil soit en le jour, ou que il de-bruse le meason e le nuit, & ne entra pas en ceo a cest temps.

Mes si un Servant conspire ove auters de robber son Master, & a cel entent il over les doors & fenestres de son Master en le nuit p eux, & ils vient en le meason p cest voy; cest Burglarie en les estrangers, & le Servant est un Laron, mes nemy un Burgler. Et ceo suit le opinion de Sir Roger Manwood, Chivalier, Seignior chief Baron de le Exchequer, a la quarter Sessions tenus en Canterbury en January 1579. 21 Eliz.

Buttlerage.

Buttlerage.

Is an old Duty to the Kings of this Realm for Wine imported by Aliens. Moor Rep. 833.

EST un veiel Duty a Roys de cest Royalm p vine import p Aliens. Moor Rep. 833.

Capitulum

C

Cablifh.

Cablifh entre les Eſcri-
vers des les Forest
Leys ſignifie Bruſh-
wood. *Man. p. 84. Cromp. Ju.*
fol. 165.

Cantred.

Cantred eſt cybien en
Gaul come un Hundred
en Angleterre; car Cantre en le
British league ſignifie Centum.
Le parol uſe *an. 28 H. 8. c. 3.*

Capicitie.

Capicitie eſt, quant home,
ou Corps politique ou cor-
porate, eſt capable a doñ ou
prendre teſs ou auter choſes,
ou a ſuer Action: Sicom un
Alien nec ad ſufficiēt Capacite
a ſuer e aſc̄ perſonal Actiō;
mes e real Action eſt bō Plea.
adiſ il eſt Alien nec, & prier
ſil ſerra reſpondu. *Dy. f. 3. pl. 8.*

Si home enſcoffe un Alien
& un auter home al uſe de
luy, ou &c. ſemble q̄ le Roy
avera l' moiety del tēf a tous
jours, p̄ reaſon del Incapa-
city del Alien. *Dyer ſo. 283.*
pla. 31.

C

Cablifh.

Cablifh among the Wri-
ters of the Forest Laws,
ſignifies Bruſhwood. *Man-*
wood pag. 84. Cromp. Jur. fol.
165.

Cantred.

Cantred is as much in Wales
as an Hundred in England;
for Cantre in the British tongue
ſignifies Centum. The word is
uſed *An. 28 H. 8. c. 3.*

Capacity.

Capacity is, when a man, or
Body politick or corporate
is able to give or take Lands or
other things, or ſue Actions:
As an Alien born hath ſufficient
Capacity to ſue in any perſonal
Action; but in a real Action it
is a good Plea to ſay, he is an
Alien born, and pray if he ſhall
be answered. *Dyer f. 3. pla. 8.*

If a man enſcoff an Alien
and another man to the uſe of
themſelves, or, &c. it ſeems that
the King ſhall have the moiety
of the Land for ever, by reaſon
of the Incapacity of the Alien.
Dyer f. 283. pla. 31.

Wp

By the Common Law no man hath Capacity to take Tithes but Spiritual persons, and the King, who is a person mixt : but a Lay-man, who is not capable of taking Tithes, was yet capable of discharge of Tithes in the Common Law in his own land as well as a Spiritual man. See Coke l. 2. f. 44.

Cape.

Cape is a Writ judicial touching Plea of Lands or Tenements, so called (as the most part of Writs are) of that word which in it self carries the effectuallest intention or end thereof. And this Writ is divided into Grand Cape and Petit Cape; both which take hold of things immovable, and seem to differ in these Points. First, because Grand Cape lies before Apparence, and Petit Cape after. Secondly, by the Grand Cape the Tenant is summoned to answer to the default, and over to the Demandant; Petit Cape summons the Tenant to answer to the default only, and therefore it is called Petit Cape in the Old N. B. 161, 162. Yet Ingham saith, that it is not called Petit Cape because it is of small force, but because it is a little Writ in words.

This Writ seems to contain in it a Process, with the Civilians called *Missio in possessionem ex primo & secundo Decreto* : For

Per le Common Ley nul home ad Capacity d prendre Dismes forsq; Spiritual persōs, & le Roy, qui est persona mixta: mes Lay-home, q nest capable d Dismes ē pñace, fuit uncore capable d discharge de Dismes al Common Ley ē son tēf demesne cybien cōe. Spiritual hōe. Vl. Coke. l. 2. f. 44.

Cape.

Cape est un Brē judicial touchant Plea d terres ou Tenements, issint appel (sicōe les plusors d Briefs sont) de cest parol q en luy m port le plus especial intentiō ou fine de ceo. Et cest Brē est divide ē Grād Cape & Petit Cape; qux ambldeux prendōr des choses immovables, & semble a disagree en ceux points. Primerment, p ceo q Grand Cape gist devant Apparence, & Petit Cape puis. Secundment, p le Grand Cape le Tenant est summon a respond al Default, & ouster al Demandant; Petit Cape sumon le Tenant a respond al default solemt, & p ē est appel Petit Cape en le *Viil N. B. 161, 162.* Uncore Ingham dit, que il nest appel Petit Cape p ceo q il est d petite force, mes p ceo q il est petit Brief en parols.

Cest Brief semble a cōrein ē ē un Process ove les Civilians appel *Missio in possessionem ex primo & secundo Decreto* : Car

Car sicom le prim Decree seifist le chose, & le secod donast ceod luy q fust le second default en son Apparence; issint cest *Cape* seifist le tef, & auxy assign ouster al party un jour d Apparence, a quel sil ne vient eins, le tef est forfeit. Uncore la est difference prẽt ceux deux Courtes del Common & Civil Ley; car cest *Missio in possessionem* extend a toucher cybien biens movables come immovables, lou un *Cape* extend solement al immoveables.

Secondment, en ceo, Que le party esleant satisfie de son demand, le residue est restore a luy que defaulta: mes p le *Cape* tout est seifie sans restitution.

Tiercemẽt, Cestuy est al use del party agent, le *Cape* est al use le Roy. Veies *Bract. l. 5. tract 3. c. 1. num. 4, 5, & 6. Regist. Judic. f. 2. a.*

Cape ad Valentiam.

C*Ape ad Valentiam* est un Brẽ d Execution, & est issint define en le *Veil Nat. Brev' f. 161, 162.* Cest Brief gist ou le Tenãt est impleade de certain terres, & il vouche a Garrantie un auter, vers que les Summons *Ad warrantizandum* ad este agarde, & le Vouchee ne vient eins al jour done: donques si le Demandant recover vers le

as the first Decree seifies the thing, and the second gives it from him that made the second default in his Appearance; so this *Capias* seifies the Land, and also assigns over to the party a day of Appearance, at which if he comes not in, the Land is forfeited. Yet there is difference between these two courtes of the Common and Civil Law; for this *Missio in possessionem* extends to touch as well Goods movable as immovable, where a *Cape* extends only to the immoveable.

Secondly, in this, That the party being satisfied of his demand, the residue is restored to him that defaulted: but by the *Cape* all is seified without restitution.

Thirdly, That is to the use of the party agent, the *Cape* is to the use of the King. See *Bract. l. 5. tract. 3. c. 1. num. 4, 5, & 6. Regist. Judic. fol. 2. a.*

Cape ad Valentiam.

C*Ape ad Valentiam* is a Writ of Execution, and is thus defined in the *Old Nat. Brev. fo. 161. 162.* This writ lies where the Tenant is impleaded of certain Lands, and he vouches to Warrant another, against whom the Summons *ad warrantizandum* hath been awarded, and the Vouchee comes not in at the day given: then if the Demandant recover against the Tenant, he shall have this

this Writ against the Vouchee, and shall recover so much in value of the Vouchees land, if he have so much; and if he hath not so much, then the Tenant shall have Execution by this Writ of such Lands and Tenements as descend to him in Fee-simple; or if he purchase afterwards, the Tenant shall have against him a Resummons, and if he can say nothing, he shall recover the value.

And know, that this Writ lies before Apparence. Of these and their divers uses, see the Table of the Reg. jud. the word Cape.

Capias.

Capias is of two sorts. The one before Judgment, called Capias ad respondendum, in an action personal, if the Sheriff return upon the first Writ, *Nihil habet in Balliva nostra*. And the other is a Writ of Execution after Judgment, which also is of divers natures, which see in the Title Process.

Capite.

Capite is a Tenure that holds immediately of the King, as of his Crown, be it by Knights Service or Socage, and not of any Honor, Castle, or Mannor; and for this it is al-

Tenant, il avera cest Brief envers le Vouchee, & recouvrera tant en valeur de terre del Vouchee, sil tant ad; & sil nad tant, donque le Tenant avera Execution per cest Brief de tiels terres & tenements que descend a luy en Fee-simple; ou sil purchase apres, le Tenant avera vers luy un Resummons, & sil riens poit dire, il recouvrera le value.

Et saches, Que cest Brief gist devant Apparence. De ceux & leur divers uses, veis le Table Rel Reg. jud. le parol Caps.

Capias.

Capias est del deux sorts. Lun devant Judgment, appel Capias ad respondendum, en un Action psonal, si le Vifc sur le primer Brief return, *Nihil habet in Billiva nostra*. Et laut' est un Brief d Execution apres Judgment, q auxi est d divers natures, queux veies en le Title Process.

Capite.

Capite est un Tenure q est immediatemet del Roy, cōe d son Corone, soit ceo p service d Chivaler, ou Socage, & nient dasc Honor, Castle, ou Mannor; & p c il est

est auxi appel ū Tēnure q̄ tiēt
meereñt del Roy. Car cōm̄ le
Corone est un Corporation ,
un Seiḡary en gros ; issint le
Roy q̄ possēss le Corone est
en le oyeld l Ley perpetualm̄t
Roy, & ne unques est en son
Minority , ou morust, nient
pluis q̄ *Populus* fait, l' autho-
rity d̄ queux il port. Veies
Fitz. Nat. Brev. f. 5. Uncore
nora. Que un hom̄ poit tener
del Roy, & uncore nient en
Capite, cest adire, nient imē-
diatēmt del Corone en gros,
mes p̄ means dascun Honor,
Castle, ou Manor appartenāt
al Corone, d̄ q̄ il tient sa tēf.
De ceo *Kitchin* bien dir, Que
hom̄ poit tēn d̄ l Roy p̄ servic'
d̄ Chival', & unē nient ē *Ca-
pite*, p̄ ceo q̄ poit eē q̄ il tient
dasc Honor p̄ service d̄ Chi-
val', q̄ est ē le mains d̄ l Roy,
p̄ discent d̄ son Ancestors, &
niēt imēdiatēmt d̄ l Roy, cōm̄
d̄ sō Coron, fol. 129. Ove que
agree *Fitz. Nat. Bre. fol. 5. k.*
queux parols sont a cest ef-
fect ; il plainm̄t appiert, q̄
terres queux sont tenus del
Roy come d̄ un Honor, Castle,
ou Manor, ne sont tenus en
Capite del Roy p̄ ceo que un
Brē de droit en cel case serf
direct al Bailiff del Honor,
Castle ou Manor, &c. Mes
quant les terres sont tenus del
Roy cōm̄ d̄ son Corone, donq̄
ils ne sont tenus de ū Honor,
Castle, ou Manor, mes meere-
m̄t del Roy cōm̄ Roy & d̄ son
Coron, cōm̄ de un Seiḡare de

so called a Tenure which holds
merely of the King. For as the
Crown is a Corporation, a De-
ignory in gros ; so the King
who possesses the Crown is in
the eye of the Law perpetually
King, never in his Minority,
and dies no more than *Populus*
doth, whose authority he bears.
See Fitz. N. Brē fol. 5. Yet
note, That a man may hold of
the King, and yet not in *Capite*,
that is, not immediately of the
Crown in gros, but by means
of some Honor, Castle, or Ma-
nor belonging to the Crown ;
whereof he holds his Land. Of
this *Kitchin* saith well, That a
man may hold of the King by
Knight's service, and yet not in
Capite, because it may be he
holds of some honour by
Knights service, that is in the
Kings hands, by descent from
his Ancestors, and not imme-
diately of the King, as of his
Crown, fol. 129. With which
agrees *Fitz. Nat. Brē fol. 5. k.*
whose words are to this effect ;
It plainly appears, that Lands
which are held of the King as
of an Honor, Castle, or Ma-
nor, are not held in *Capite* of the
King, because a Writ of right in
this case shall be directed to the
Bailiff of the Honor, Castle, or
Manor, &c. But when the lands
are held of the King as of his
Crown, then they are not held
of an Honor, Castle, or Manor,
but merely of the King as
King, as of his Crown, as of a
Deignory of it self in gros,
and

and the chief of all other Seigniories.

And this Tenure in Capite is otherwise called Tenure holding of the person of the King. Dyer fol. 44. Brook titulo Tenures, num. 65, 99. And yet Kitchen, fol. 208. saith, That a man may hold of the person of the King, and yet not in Capite. His Case is this; If the King purchase a Manor that J. S. holds, the Tenant shall hold as he did before; and he shall not render Liberty, nor primer Seisin, nor hold in Capite. And if the King grants his Manor to W. N. in fee, excepting the services of J. S. then J. S. holds as of the person of the King, and yet holds not in Capite, but as he held before. By which it seems, that Tenure holding of the person of the King, and Tenure in Capite, are two divers Tenures. To take away which difference, it may be said, That this place of Kitchen is to be taken as if he had said; Not in Capite by Knights service, but by Socage, following the usual speech, because most commonly, where we speak of Tenure in Capite, we intend Tenure by Knight's service. See the Stat. 12 Car. 2. c. 24. by which all Tenures are now turned into free and common Socage.

loy mesm en gros, & le chief d' tous autres Seigniories.

Et cest Tenure en Capite est autrement appel Tenure tiendant del person del Roy, Dyer fol. 44. Brook tit. Tenures, num. 65, 99. Et uncore Kitchen, fol. 208. dit, Que homme poit tener del person del Roy, & uncore nient en Capite. Son Case est tel; Si le Roy purchase Manor que J. S. tient, le Tenant tiendra come il reignoit devant, & il ne rendra Liverie, ne prim Seisin, ne tiendra en Capite. Et si le Roy grant son Manor al W. N. en fee, exceptant les Services de J. S. donques J. S. tient del Roy come del person del Roy, & uncore ne tient e Capite, mes come il tenoit devant. Per q il semble, q tenure tiendant del person del Roy, & Tenure e Capite sont deux divers terr. A toller quel difference poit e dit, q ceo lieu d Kitchen est de prise com sil ad dit, Nemy en Capite p service d Chivaler, mes p Socage, pursuant le usual parlance, p ceo q plus communement, ou nous pleroms d Tenure e Capite, nous intendom Tenure p Service d Chivaler. Vies le Stat. 12 Car. 2. c. 24. per quel tous Tenures sont ore vers e frak & com Socage.

Clark

Cark.

Cark semble desirer un quantity de Lane, de que troysem font un Sarpler. 27 H. 6. c. 2. *Vid. Sarpler.*

Cark.

Cark seems to be a quantity of Wool, whereof 30 make a Sarplar. 27 H. 6. cap. 2. *See Sarplar.*

Carno.

Carno est un Immunitie, come applert en *Cromp. Jur. fol. 191.* ou est dit, Que le Prior de Malton fait claim p luy & ses homes, de q̄ quit de tous Amerciaims deins le Forest, & auxi dest̄ frank de Scapes, & de tous maners de Gelds, & d̄ Peegelds, Buckstall, Trites, Carno, & Summage, &c.

Carno.

Carno is an Immunity, as appears in *Cromp. Jurisd. f. 191.* where it is said, That the Prior of Malton made claim for him and his men, to be quit of all Amerciaments within the Forest, and also to be quit of Escapes, and of all manner of Gelds, and of Foot-gelds, Buckstall, Trites, Carno, and Summage, &c.

Carrack ou Carrick.

Carrack, alias Carrick, est un Niese de faix, & est issint appel del parol Italionis *Ca'ico* vel *Carco*, id est, *Onus*. Cest parol est mention en le Statute 1 Jac. c. 23.

Carrack or Carrick.

Carrack, alias Carrick, is a Ship of burthen, and is so called of the Italian word *Carico* or *Carco*, which signifies a Burthen. This word is mentioned in the Statute, 1 Jac. c. 33.

Carue de terre.

Carue ou Carucat de terre est un certain quantite de terre per que les Subjects ont este cydevant taxe : sur q̄ le Tribute issint levie est apel *Carnage*, *Bract. l. 2. c. 16.*

Carue of Land.

Carue, or Carucate of land is a certain quantity of land by which the Subjects have been heretofore taxed : whereupon the Tribute so levied is called *Caruage*, *Bract. l. 2. c. 16. num. 8.*

Littl.

Lit. Sect. 119. saith, that *Soca* is the same with *Caruca*, sc. a *Soke* or *Plow*. *Stow* in his *Annals*, p. 271. hath these words; The same time H. the King took *Caruage*, that is to say, two Marks of Silver for every Knight's fee, to the marriage of his sister *Isabel* to the Emperor. By which it seems there was raised of every *Plow-land* so much, and so consequently of every Knight's fee two Marks of Silver. *Rastal*, in his Exposition of words, saith, that *Caruage* is to be quit, if the King shall tax all the Land by *Plows*, that is, a Priviledge by which a man is freed from *Caruage*.

Skene saith, that it contains as great a portion of land as may be eyed or tilled in a year and a day with one *Plow*; which also is called a *Hild*, or *Hide* of land.

Castellain.

Castellain is a Keeper or Captain, sometimes called a Constable of a Castle. *Bracton*, l. 5. c. 2. cap. 16. In the same manner it is used an. 3 E. 1. c. 7. In the book of *Feudis* you shall find *Guassaldus* to be of like signification, but more large, because it is also extended to those that have the custody of the King's Mansion-houses, called Courts, notwithstanding they are not places of defence or force.

num. 8. *Littleton* Sect. 119. dit, que *Soca* est mesme ove *Caruca*, sc. un *Soke* ou *Carue*. *Stow* en son *Annals*, p. 271. ad ceux pols; Mesme le tēps H. le Roy prist *Caruage*, cest adire, deux Marks d'argent d' chesc' Fee dun Chivaler, al mariage de son soer *Isabel* al Emperor. Per que il semble que la suit raise de chescun *Carue* de terre tāt, & issint p consequent 'de chesc' Fee de Chivaler deux Marks d' argent. *Rast.* en son exposition de parols dit, que *Caruage* est deslire quit, si le Roy taxera tout le Terre p *Carues*, cest adire, ū Priviledge p que un home est exempt de *Caruage*.

Skene dit, que c̄ containe cy grand portion de terre q̄ poit estre eyred ou tilled en un an & jour ove un *Carue*; que auxy est appel *Hilda* ou *Hida* terre.

Castellaine.

Castellaine est un Keeper ou Captain, asc' soit appel ū Constable d' un Castle. *Bracton*, l. 5. c. 2. c. 16. En mesm̄ le man̄ est use an. 3 E. 1. c. 7. En les livres de *Feudis* vous troveres *Guassaldus* deslire de tiel signification, mes plus large, pur c̄ que il est aux' extend a ceux q̄ ont le custodie de les Mansion-measons del Roy, appel Courts, nient obstant q̄ ils ne sont lieux de
I defence

defence ou force. *Manw. part.*
1. del Leys del Forest, p. 113.
dit, que la est un Officer del
Forest appel *Castellanus*.

*Manwood part 1. of the Lawes of
the Forest, p. 113. saith, That
there is an Officer of the Forest
called Castellanus.*

Castle-guard.

Castle-guard est un imposi-
tion impose sur tiels sub-
jects del Roy queux inhabi-
tant deins un certain compas
dasç Castle, al malntenance
de tiels quux vigillōt & gardōt
l' Castle. *Mag. Cha. c. 2. & an.*
32 H. 8. c. 48. Il estrasç solts
use p le Circuit m̄ q̄ est in-
habit p tiels quux sont subject
a cest Service. Veles *Chivalry*.

Castle-guard.

Castle-guard is an Imposition
laid upon such of the Kings
subjects as dwell within a cer-
tain compass of any Castle, to
the maintenance of such as
watch and ward it. *Mag. Chart.*
cap. 2. & an. 32 H. 8. ca. 48. It is
sometimes used for the Circuit it
self which is inhabited by such
as are subject to this Service.
See Chivalry.

Casu consimili.

Casu consimili est un Brief
de Entrie, grantus ou le
Tenant p courtesie, ou Tenant
p term d vie, ou p aut' vie, a-
lien en fee, ou en tail, ou pur
term daut' vie. Et il ad cest
nosme, p ce o que les Clerks
del Chancery ont ceo fram̄
p leur comon consent ensem-
ble al Brief appel *In casu pro-*
viso, accordant al auctority
done al eux p le Statute de
Westminster 2. cap. 24. que
voir, Quotiescunque evenerit in
Cancellaria, quod in uno casu
reperitur Breve, & in Consi-
mili casu indigente remedio,
concordent Clerici de Cancel-
laria de Breui faciendo, &c. Et
cest Brief est grāt al cessuy en

Casu consimili.

Casu consimili is a Writ of
Entry, granted where the
Tenant by courtesie, or Tenant
for term of life or for the life of
another, aliens in fee, or in
tail, or for the life of another.
And it hath this name, because
the Clerks of the Chancery
have framed it by their common
consent like the Writ called *In*
casu proviso according to the au-
thority given them by the Stat.
of *West. 2. cap. 24. which wille,*
That as often as it shall happen in
Chancery, that in one case a Writ
is found, and in the like case a re-
medy is wanting, the Clerks of the
Chancery should agree to make a
Writ, &c. And this Writ is
granted to him in reversion a-
gainst

gainst the party to whom the
said Tenant so aliened to his
prejudice, and in the life of the
Tenant. See more of this,
F. N. B. fol. 206.

reversion vers le party a q̄
le dit Tenant issint alien a
son prejudice, & en le vie del
dit Tenant. Veles plus de
ceo, F. N. B. f. 206.

Casu proviso.

Casu proviso.

Casu proviso is given by the
Stat. of Gloucester cap. 7.
This writ lies where Tenant
in Dower aliens in Fee, or for
life, or in tail, the Land which
he holds in Dower; there he
that hath the Reversion in Fee,
or in Tail, or for term of life,
shall presently have this writ
against the Alienee, or him that
is Tenant of the Freehold of
the Land, and that during the
life of the Tenant in Dower.
F. N. B. 205. n.

Casu proviso est done per le
Stat. de Gloucester, c. 7
Cest Brief gist lou Tenant en
Dower alien en Fee, ou a
term de vie, ou en tail, la
terre que el tient en Dower;
ore cestuy que ad le Reversio
en Fee, ou en Tail, ou a term
d vie, maintenant avera cest
Brave vers le Alienee, ou
cestuy q̄ est Tenant del frank-
tenement del terre, & c̄ du-
rant la vie le Tenant en Dower.
F. N. B. fol. 205. n.

Catals.

Catals.

Catals or Charels comprehend
all Goods movable and im-
movable, except such as are in
nature of Freehold, or parcel
of it, as may be collected out
of Stamf. Præ. cap. 16. and
anno 1 Eliz. cap. 2. Per Kitch:
fol. 32. saith, that Money is not
to be accounted Goods or Ca-
tals, nor Hawks, nor Hounds,
for they are fera natura. But
it seems that Money is not a
Chattel, because it is not in it
self valuable, but rather in ima-
gination than in Deed.

Catals ou Chattels com-
prehend tous biens mova-
ble & immovable, forsq; tiels
que sont en nature de Frank-
teneur, ou parcel de c̄, com̄
poit estre collect hors Stamf.
Prærog. 16. & an. 1 El. c. 2.
Un̄ Kitch. fol. 32. dit, que
Money nest de c̄ account biens
ou Catals, ne Espervers, ne
Chiens, car ils sont fera nature.
Mes il semble q̄ Money nest
Catal, p̄ ceo q̄ nest de luy m̄
chose valuable, mes plus en
imagination q̄ en Fait.

Catals are either real or per-

Catals sont ou real ou per-
sonal.

sonal. *Catals real* sont ou tiels que ne appertieñent immediatement al person, mes al asc' auter chose p voy d dependance; come un Boxe ove Chartes de terre, le corps dun Gard, les Pommis sur l' arbr', ou l' Arbre mesme cresant sur le terre. *Crom. f. 33. b.* Ou auterment tiels q' sont issuant hors d'asc' chose immoveable al person, cōe ū Lease pur Rent ou terme d'ans.

Personal polent estre issint appel en deux respects. Le un p' c' que ils appent immediatement al p'son d' ū hōe; cōe ū Chival, &c. lautr', p' c' que quant ils sōt tortiousmēt deteigne, nous ne avom' pas asc' aut' means pur lour recoverie forsque per p'sonal Actions.

Les Civilians comprehendont ceux choses, & aux' Tr's de tous natures ou tenures, desouth le parol *Bona*, que est p' eux divide in *Mobilia* & *Immobilia*. Vid. *Br. lib. 3. c. 3. num. 3, & 4.*

Cepi corpus.

C*Epi corpus* est un Return fait per le Viscount, que, sur un *Exigend* ou auter Brief, il a pris le corps del partie. *Fitzh. Nat. br. f. 26.*

Certificate.

C*ertificate* est un Escript fait en ascun Court, a doner notice al auter Court

sonal. *Catals real* are either such as do not immediately appertain to the person, but to some other thing by way of dependence; as a Box with writings of Land, the body of a Ward, the Apples upon the tree, or the Tree it self growing upon the ground. *Crom. fol. 33. b.* Or else such as are issuing out of some thing immovable to the person, as a Lease for Rent or term of years.

Personal may be so called in two respects. The one, because they belong immediately to the person of a man; as a Horse, &c. The other, because when they are wrongfully detained, we have no other means for their recovery but personal Actions.

The Civilians comprehend these things, and also Lands of all natures and tenures, under the word Goods, which are by them divided into Moveable and Immoveable. See *Bract. lib. 3. c. 3. num. 3, & 4.*

Cepi corpus.

C*Epi corpus* is a Return made by the Sheriff, that, upon an *Exigend* or other writ, he has taken the body of the party, *F. N. B. fol. 26.*

Certificate.

C*ertificate* is a Writing made in some Court, to give notice to another Court of something

thing done there ; as a Certificate of the cause of Attaint is a transcript briefly made by the Clerks of the Crown, Clerks of the Peace, or Clerks of Assise, to the Court of Kings Bench, containing the tenor and effect of every Indictment, Outlawry, or Conviction, and Clerk attainted, made or declared in any other Court.

But note, that this Certificate ought to be made by him that is the immediate Officer to the Court ; and therefore if the Commissary or Official of the Bishop certifie an Excommunication in bar of an action at the Common Law, this is not good, (as was resolved in Coke, lib. 8. fol. 68.) but such Excommunication ought to be certified by the Bishop himself. Yet the Certificate of an Excommunication by special Commissioners Delegates under their Common Seal was allowed, and held good enough in the Common-place. Dyer fol. 371. pla. 4.

Certification of Assise.

Certification of Assise of Novel disseisin, &c. is a writ awarded to re-examine or review a matter passed by Assise before any Justices ; and is used when a man appears by his Bailiff to an assise brought by another, and loses the day, and having some other matter to

dash chose fait la ; come un Certificate del cause de Attaint est un transcript briefment fait p les Clerks del Corone, Clerke del Peace, ou Clerke de Assise, al Court del Bank le Roy, contenant le tenor & effect de chesc Indictment, Outlawrie, ou Conviction, & Clerk attaint, fait ou declare en asc autre Court.

Mes nota, que cest Certificate doit estre fait p cestuy que est l'immediate Officer al Court ; & p c si le Commissarie ou Official del Eveque certifie un Excommungement en bar de un Action al Common Ley, ceo n'est bon, (come fuit resolve en Coke lib. 8. fol. 68.) mes tel Excommungement doit estre certifie p le Eveque mesme. Uncore le Certificate dun Excommungement p special Commissions Delegates desous leur common Seal fuit allow, & tenu assets bone e le Common Banke Dyer, fol. 371. pla. 4.

Certification de Assise.

Certification d'un Assise d'Novel disseisin, &c. est un Brief agard a re-examin ou reviser u chose passe p Assise devant asc Justices ; & est use quant home appiert p sō Bailife al un Assise port p un aut' & pde le jour, & ayant asc aut' chose ouster a plead.

p luy mesme, cōm un Fait d release ou, &c. que le Bailiff ne piederait, ou ne puit pleader p luy apris, un mieux Examination del Cause, ou devant mesme les Justices ou auters, & acquire Letters Patents, (vide leur forme F. N. B. 181.) & donque port un Brē al Vicount d appeller le party p que le Assise ad pass, & auxi le Jury que suit impannel sur mesme le Assise, devant les dits Justices, a un jour & lieu certain.

Et est appel un *Certificate*, p oco que en ceo mention est fait al Vicount, que sur le parties cōplaint del defective Examination, ou awrust uncore remanant lur le Assise pass, le Roy ad direct ses Letters Patents a les Justices, p le mieux certification d leur mesmes, ou tous les points del dit Assise fueront examin ou nemy.

Certiorari.

C*ertiorari* est un Brief que gist lou un est implead en un base Court, que est de Record, & il suppose q il ne poit aver equal Justice la; donques sur un Bill en le Chancery, comprisant ascun matter en Conscience, il avera cest Brief p remover tout le Record en le Chancery, & la destre determine p Con-

plead farther for himself, as a Deed of Release, or &c. which the Bailiff did not plead, or might not plead for him, desires a better Examination of the Cause, either before the same or other Justices, and obtains Letters Patents, (see their form F. N. B. 181.) and then brings a Writ to the Sheriff to call the party for whom the Assise had passed, and also the Jury which was impannelled upon the same Assise, before the said Justices, at a day and place certain.

And it is called a Certificate, because therein mention is made to the Sheriff, that upon the parties complaint of the defective Examination or doubts remaining yet upon the Assise passed, the King hath directed his Letters Patents to the Justices for the better certifying of themselves, whether all the points of the said Assise were duly examined or not.

Certiorari.

C*ertiorari* is a Writ that lies where a man is impleaded in a base Court, that is of Record, and he purposes that he may not have equal Justice there; then upon a Bill in the Chancery, comprising some matter of Conscience, he shall have this Writ to remove all the Record into the Chancery, there to be determined by Conscience;

science; but if he prove not his Bill, then the other party shall have a Writ of Procedendo, to send again the Record into the base Court, and there to be determined. And it lies in many other cases, to remove Records for the King, as Indictments and others.

This Writ is also granted out of the Court of Kings Bench or Common Pleas to remove any Action thither out of Inferior Courts of Record; and so the Plaintiff must declare and proceed in the Superior Court.

Also to certify original writs or proceedings out of any Courts of Record into the Kings Bench, where *nullum tale Recordum* is pleaded.

Also upon Writs of Error of a Judgment in the Common Pleas, each party may have this Writ to bring any of the Proceedings into the Kings Bench upon alleging Diminution, as appears, Coke Entr. 232, 233, 242. 2 Cro. 131, & 479.

Cessavit.

Cessavit is a Writ that lies where my very Tenant holds of me certain Lands or Tenements, yielding certain Rent by the year, and the Rent is behind for two years, and no sufficient Distress may be found upon the Land; then I shall have this Writ, by which I shall

science; mes si ne prova son Bill, donques l'auter party avera un Brief de *Procedendo*, a remand le Record en le base Court, & la destre determine. Auxy il gist en plusors auters cases, pur remove Records pur le Roy com Indictments & auters

Cest Brief est auxy grant hors del Court del Bank le Roy ou Common Pleas a remove ascun Action al eux hors de inferior Courts de Record; & issint le Plaintiff doit declare & proceed en le superior Court.

Auxy a certifyer Original Briefs ou proceeds hors dascun Courts de Record en Bank le Roy ou *Nullum tale Recordum* est plede.

Auxy sur Briefs de Error dun Judgment en le Common Pleas, chescun party poit aver cest Brief, a remove ascun proceedings en Bank le Roy sur allegier diminution, com appliert *Co. Entr.* 232, 233, 242. 2 Cro. 131, & 479

Cessavit.

Cessavit est un Brief que gist lou mon verie Tenant tient de moy certain terres ou tenements, rendant certain Rent per an, & le Rê est arriere p deux ans, & nul sufficient Distress poit estre trove sur le terre; donques jco avera cest Brief, per que

jeo recouvrera le terre : Mes si le Tenant vient en Court devant Judgment, & tendra les Arrerages & les Damages, & trove Surety que il ne cessera plus en payment de dit Rent, jeo serra compel de prendre les Arrerages & les Damages, & donques le Tenant ne perdra la terre. Le Heir ne poit maintaine cel Brief pur Cesser fait en temps son Ancestor : Auxy ne gist mes pur Annual service, come Rent, & hujusmodi, & nient pur Homage & Fealty.

Auxy il y ad auter Brief appel *Cessavit de Cantaria*, & gist ou un done terre a Meason de religion, a trover pur l'alme de luy, de ses ancestors, & de ses heires, annualment un Chandel ou Lampe à Eglise, ou p faire Divine Service, de passer les povers, ou auters Almes, ou auter tiel chose faire ; donque si les dis Services ne sont pas fait per 2 ans, le Donor ou ses Heires aver ces brief vers quecunque est eins apres tiel Cesser. Vide le Statute 17. 2. cap. 41.

Cession.

Cession est, quant un Ecclesiastical pson est cree Eveque, ou quant un Parson d'un Parsonage prist un auter benefice sans dispensation, ou

recober the Land : But if the Tenant come into the Court before Judgment given, and tender the Arrerages and Damages, and find Surety that he shall cease no more in payment of the said Rent, I shall be compelled to take the Arrerages and the Damages, and then the Tenant shall not lose the Land. The heir may not maintain this Writ for Cessure made in the time of his Ancestor : And it lies not but for Annual service, as Rent, and such other, and not for Homage and Fealty.

Also there is another Writ called *Cessavit de cantaria*, which lies where a man gives Land to a House of Religion, to find for the soul of him, his ancestors, and his heirs, yearly a Candle or Lamp in the Church, or to say Divine Service, feed the poor, or other Alms, or to do some other thing ; then if the said Services be not done in two years, the Donor or his heirs shall have this Writ against whosoever holds the things given after such Cessure. See the Statute W. 2. cap. 41.

Cession.

Cession is, when an Ecclesiastical Person is created Bishop, or when a Parson of a Parsonage takes another Benefice without dispensation or

or otherwise not qualified, &c. In both cases their first Benefices are become void, and are said to become void by Cession. And to those that he had who was created Bishop the King shall present for that time, who-soever is Patron of them : And in the other case the Patron may present. See 41 E. 3. 5. & 11 H. 4. 37.

auterment nient qualifié, &c. En ambideux cases leur premier benefices sont devenus void, & sont appelle destre void p *Cession*. Et al ceux que il ad que suit cree Evesque le Roy presentera pro illa vice, quicunque soit Patron de eux : Et en l'auter case le Patron poit presenter. *Vies* 41 E. 3. 5. & 11 H. 4. 37.

Cestuy a que vie, & cestuy a que use.

Cestuy a que vie, & cestuy a que use.

Cestuy a que vie, is he for whose life another holds an estate; and cestuy a que use is he who is a feoffee for the use of another.

Cestuy a que vie est il pur quel vie un auter teigne un estate, & cestuy a que use est il q est un feoffee pur le use d un auter.

Challenge.

Challenge.

Challenge is an Exception taken either against Persons or Things. Persons, as in an Assise the Jurors, or any one, or more of them; or in case of Felony, by the Prisoner at the Bar against Things, as a Declaration. Old. N. B. 76.

Challenge made to the Jurors is either made to the Array, or to the Polls. Challenge to the Array is, where Exception is taken to the whole number, as impanelled partially : Challenge to or by the Poll is, where Exception is taken to any one or more, as not indifferent. Challenge to the Jurors is also divided into challenge princi-

Challenge est un Excepti-on prise ou envers Person- ou Choses. *Persons*, cōe en un Assise, les Jurors, ou asc un, ou pluis de eux; ou en case d Felony, p le Prison al Barre vers choses, com un Declaration. *Vet. N. B. fol. 76.*

Challenge fait a les Jurors est fait ou al Array, ou a les Polls Challenge al Array est, ou Exception est prise al entiere nombre, come impanel prialment : Challenge al ou per le Poll est, ou Exception est prise al ascun un ou pluis, come nient indifferent. Challenge a les Jurors est aux' di- vide en Challenge principal,
&

& Challenge pur cause, cest adire, sur cause ou reason. *challenge principal*, ou peremptory, est ceo que le Ley allows sans cause alledge, ou examination, com un Prisoner al Barr, arraine sur Felony, poit peremptoriment challenge al nombre de vint, un apres auter, del Jury impanel sur luy, nient alledgant d'aucune cause, mes son dislike demesne, & ils seront discharge, & novels mise en leur lieux: & ceo est *in favorem vite*. Mes en le case de hault Treason nul peremptory Challenge est allow. Vide 25 H. 8. cap. 3. Et une difference poit estre observee perent' challenge principal & challenge pemptory, p' ceo que challenge pemptory semble solemt' destre usee en choses criminal, & merement sans aucun cause alledge, plus que le sole phantasie del Prisoner, *Stamf. Pl. Co. f. 124.* & principal p' le greinder part en civil Actions, & ove le nosmant de aucun Exception, q' esteant treuve voyer, le Ley maintenant allowe. Come p' Example, si aucun party dit que un des Jurors est le Fils, Frere, Cousin, ou Tenant al auter party, ou esponse son file, ceo est un bone & fort Exception, sil soit voyer, sans plus examination del credit del party challenge. Et de q' large extent cest Challenge, de Consanguinity est, bien applert, *Plow. fol. 425.* Auxi

pal, and challenge for cause, that is, upon cause or reason. Challenge principal, or peremptory, is that which the Law allows without cause alledged, or Examination: as a Prisoner at the Bar, arraigned upon Felony, may peremptorily challenge to the number of twenty, one after another, of the Jury impannelled upon him, not alledging any cause at all, but his own dislike, and they shall be discharged, and new put into their places: and this is in favor of life. But in the case of High Treason no peremptory challenge is allowed. See 25 H. 8. cap. 3. And a difference may be observed between challenge principal and challenge peremptory, because challenge peremptory seems only to be used in matters Criminal, and merely without any cause alledged, more than only the Prisoner's fancy, *Stamf. Pl. Cor. fol. 124.* and principal for the most part in Civil Actions, and with the naming of some Exception, which being found true, the Law presently allows. As for example, if any party saith that one of the Jurors is the Son, Brother, Cousin, or Tenant to the other party, or married to his daughter, this is a good and strong Exception, if it be true, without farther examination of the credit of the party challenged. And of how large extent this Challenge of Kindred is, does well appear

in Plow. fol. 425. Also in the Plea of the death of any man, and in every Action real, and also in every Action personal, where the debt or damages amounts to 40 marks, it is a good challenge to any of the Jury impanelled, That he cannot dispend forty Shillings by the year of his own Freehold, An. 11 H. 7. cap. 21.

Challenge upon reason or cause is, when the party alledges any such Exception against one or more of the Jurors, which is not forthwith sufficient upon acknowledgment of the truth, thereof, but rather arbitrable, and considerable by the rest of the Jurors; as if the son of the Juror had married the daughter of the adverse party. This Challenge by cause seems to be termed by Kitch. fo. 92. Challenge for favor; or rather Challenge for favor is there said to be a Species of Challenge by cause: Where you may also read what Challenges are commonly accounted for principal, and what not.

Chamberdekins.

Chamberdekins are Irish Beggars, which by the Statute of 1 H. 5. c. 8. were by a certain time, within the said Statute limited, to avoid this Land.

en le Plea del mort de ascun home, & en chescun Action real, & auxy en chescun Action personal, ou le debt ou damages amount al 40 marks, il est bone Challenge al ascun del Jurie impanel, qui il ne poit dispendre 40 s. per le an de son Franktenement demesne. An. 11 H. 7. cap. 21.

Challenge sur reason ou cause est, quant le party alledge asciet Exception vers un ou plus del Jurie, que nest immediate et suffisant sur conuissance del voierie de ceo, mes arbitrable & considerable per le residue de Jurors; com si le fils le Juror ad espouse le fille del adverse party. Cest Challenge pur cause semble per Kitch. fol. 92. destre dit Challenge pur favor; ou potius Challenge p favor est la dit destre un Species de Challenge per cause: Ou poies auxy lier queux Challenges sont communement account pur principal, & queux nemy.

Chamberdekins.

Chamberdekins sont Irish Beggars, que p le Statute de 1 H. 5. c. 8. fueront p un certain temps, deins mesme le Statute expresse, d avoid cest Terre.

Cham-

Champerly.

Champerly est un Brē, & gist lou deux homes sont Impleadants, & l'un done la moietie ou part del chose en plee a un estranger, pur luy maintenir encounter l'auter; donques le party grieve avera cest Brē devers l'estranger. Et semble que ceo ad este un ancient grievance en nostre Terre: Car nient obstant divers Statutes, & un forme de un Brē frame a ceux, uncore Anno 4. E. 3. c. 11. fuit enact, Que ou les primer Statutes pvide redresse pur ceo solement en Bank le Roy, que donques attend le Court, il ferroit loyal pur les Justices del common Plees ensement & Justices d Assises en lour Circuits, d enquirir, oyer & determiner ceux & tiels cases, cybien al Suit le Roy, come al Suit del party. Auxy fuit ordeigne per le Statute de 33 H. 8. (que fuit confirm p le Statute de 37 H. 8. c. 7.) Que Justices d Peace a lour Quarter Sessions averont authority d enquirir, cyblen p les serments d 12 homes, come p l'enformation done a eux per ascun person ou psons, des defaults, contempts & offences comise encount les Leys & Statutes fait & purview touchant Champerly, Maintenance &c.

Champerlie.

Champerlie is a writ that lies where two men are impleading, and one gibes the half or part of a thing in plea to a stranger, to maintain him against the other; then the party grieved shall have this writ against the stranger. And it seems that this hath been an ancient grievance in our Realm: For notwithstanding divers Statutes, and a form of a writ framed unto them, yet Anno 4 E. 3. c. 11. it was enacted That where the former Statutes provided redresse for this only in the King's Bench, which then followed the Court; it should be lawful for the Justices of the Common Pleas likewise and Justices of Assise in their Circuits, to enquire, hear and determine these and such cases, as well at the Kings Suit, as at the Suit of the party. Also it was ordained by the Statute of 33 H. 8. (which was confirmed by the Statute of 37 H. 8. c. 7.) That Justices of Peace at their Quarter Sessions should have authority to enquire, as well by the Oaths of 12 men, as by the information given to them by any person or persons, of the defaults, contempts and offences committed against the Laws and Statutes made and provided touching Champerly, Maintenance, &c.

&c. and to hear and determine the said faults and offences.

Champertors are they that move Pleas and Suits, or cause to be moved by their own or others procurement, and sue them at their own costs, to have part of the Lands or gains in variance. See the Stat. Articuli super chartas, c. 11.

Chance-medley.

Chance medley is, when a man without any evil intent doth a lawful thing, or that is not prohibited by Law, and yet another is slain or comes to his death thereby: as if a man casts a stone, which hits a man or woman, who after dies thereof; or if a man shoots an arrow, and another that passes by is killed, and such like; this manner of killing is Man-slaughter by misadventure, or Chance-medley, for which the offender shall have his pardon of course, as appears by the Statute of 6 E. 1. c. 9. and he shall forfeit his goods in such manner as he that kills a man in his own defence. But in this case it is to be considered, whether he that commits this Man-slaughter by Chance-medley was in doing a lawful thing: for if the act was unlawful, as to fight at Barriers, or run at Tilt without the Kings commandment, or cast stones in a High-way where men usually pass, or shoot arrows in a Mar-

& aoyer & determiner les ditsfaults & offences.

Champertors sont ceux que move Plees & Suits, ou cause desirer move p leur ou auers acuremt, & sue a leur costages & charge demesne, p aver part del terre ou gaires en variance. Veies le Stat. Articuli super chartas, c. 11.

Chance-medley.

Chance-medley est, quant un home sans asc male entent fait un loyal chose, ou q nest phibit p Ley, & uncore auter est tue ou vient a son-mort p ceo: sicome hœ jet un pierre, q percusse hœ ou seme, q apres de ceo morust; ou si home sagitte un flech, & auter q passe est occide, & tiels semblables; cest manner d occision est Homicide p misadventure, ou Chance-medley, pur que l' Offendor avera son pardon de course, come appiert p le Statute de 6 E. 1. c. 9. & il forfeltera ses biens en tiel manner come cestuy q tuera un home en son defence. Mes en ce case est desir consider, ou cestuy q commit cest homicide per Chance-medley sult en seafas d un loyal choie: car si l' act sult illoyal, cœ a pugner al Barriers, ou curre a Tilt sans comiandement le Roy, ou jett' pierres en u Hault-voy ou hœs usualment passe, ou sagittat fletches en u Market

Market-lieu, ou riels sembla-
bles, p q ū hom̄ est occide; en
touts ceux casz il est Felony
al meins, cestascavoir, Homicide,
sinon murd; car l' Offendor
esteāt feasant de un illoyal
act p son volunt demesne, le
Ley construa son meaning &
volunt ē ē p le succēs del act.

Cōm si deux sont pugnāis
ensemble, & ū tierce hom̄ vi-
ent a severer eux, & est occide
p ū d eux deux, sans asc ma-
lice pence ou male entent ē
luy q occide le hom̄, uncore
ceo est Murder en luy, & ne-
my Homicide per Chance-
medly ou misadventure, p ē
q ils deux que cōbareront en-
semble fueront ē feasance d ū
illoyal act. Et si ils fueront
assemble ove malice propense,
lun intendant de occide laut',
donque il est Murd en eux
ambideux.

Chancery,

CHancery est un Court a
westminster de Ley pur
Suits p & envers Attornies,
Cl-rks, & Officers d cel Court,
& ceo part de ceo & auxy in-
rolments de Falts & Parents
est de Record. Et est auxy ū
Court p Equity & lour pro-
ceedings en ceo sont enter en
Anglois, & le Seignior Chan-
cellor ou Keeper del grand
Seal, & Master des Rolls
sont Judges, & les Briefs sont
returnable *coram Rege in Can-*
cellaria. Coke 4. Inst. 78.

bet-place, or such like, whereby
a man is killed; in all these ca-
ses it is Felony at least, that
is, Manslaughter, if not Mur-
ther; for the Offendor being
doing an unlawful act of his
own will, the Law shall construe
his meaning and will herein by
the succēs of the act.

As if two are fighting toge-
ther, and a third man comes to
part them, and is killed by one
of the two, without any malice
forethought, or evil intent in
him that killed the man, yet
this is Murder in him, and not
Manslaughter by Chance-
medley or Misadventure, be-
cause they two that fought to-
gether were in doing an un-
lawful act. And if they were
met with premeditated malice, the
one intending to kill the other,
then it is Murder in them
both.

Chancery.

CHancery is a Court of Law at
Westminster for Suits for
and against Attorneys, Clerks,
and Officers of this Court, this
part of it and also the enrolments
of Deeds, & Parents, is of Record.
And there is also a Court for
Equity, and their proceedings
therein are entered in English,
and the Lord Chancellor, or
Keeper of the great Seal, and
Master of the Rolls are Judges,
and the Writs are returnable
there *Coram Rege in Cancellaria.*
Co. 4. Instit. 78.

Chapiter.

Chapiter.

Chapiter.

Chapiter is a Summary of content of all such matters as are enquirable before Justices in Eyre, Justices of Assize, or of the Peace in their Sessions: so it is used 3 E. 1. c. 27. in these words, And that no Clerk of any Justice, Escheator, or Commissioner in Eyre, shall take any thing for delivery of Chapiters, but only Clerks of Justices in their Circuits; and likewise 13 E. 1. c. 10. in these words, And when the time comes, the Sheriff shall certify the Chapiters before the Justices in Eyre how many Writs he hath. Also Britton uses it in the same signification, cap. 3. And at this day Chapiters are called Articles, for the most part, and are delibered as well by the mouth of the Justice in his Charge, as by the Clerks in writing, to the Enquest, where in ancient time they were (after an Exhortation given by the Justices, for the observation of the Laws of the Kings peace) first read distinctly and openly in the full Court, and then delibered in writing to the grand Enquest. An example of these Chapiters there is in the Book of Assises fol. 138. pla. 44.

Chapiter est un Summarie ou content de tous tiels choses que sont desir enquire devant Justices en Eyre, Justices d Assize, ou del Peace en leur Sessions: Issint est use 3 E. 1. c. 27. en ceux parols, Et q nul Clerk dasc Justice, Escheator, ou Comissioner en Eyre, prendre asc chose p delivery de Chapiters, mes seulement Clerks de Justices en leur Circuits; & enseint 13 E. 1. c. 10. en ceux parols, Et quant le temps vient, le Vicount certifiera les Chapiters devant les Justices en Eyre quel nombre des Brs il ad. Auxy Britton en mesme signification use cest parol, cap. 3. Et a cest jour Chapters sont appellees Articles, pur le greind part, & sont deliver cybien per la bouche del Justice en son Charge, com p les Clerks en escript, al Enquest, ou en ancient temps ils fueront (apres un Exhortation done p les Justices p le bone observation del Leys & Peace del Roy) primerunt lie distinctment & apertment en le plein Court, & donq deliver en escript al grand Enquest. Un exemple d ceux Chapters la est en le Livr d Assises, fol. 138. pla. 44.

Chaplein

Chaplain.

Chaplain est celuy q̄ fait Divine Service en un Chappel, & par ceo est communément usé p̄ celuy q̄ dépend sur le Roy ou autre homme de qualité, p̄ l' instruction de luy & son Familie, le lection de Orisons & Sermons & son private meason, ou communément ils ont en Chappel par cel purpose.

Et p̄ ceo q̄ ils sont retene per Letters desous le Signet d̄ leur Patrons, & per ceo sont p̄ entendement desirer resiant ove eux, le Ley ad done liberte p̄ leur Non-resiance sur leur Benefices.

Si un Count ou Baron retienne ū Chaplain, & devant son advancement soit attainé de Treason, la le Retaigner est determine, & ap̄s l' Attainder tiel Chaplain ne poit accept ū second Benefice, p̄ ceo que cestuy q̄ est attainé est p̄ son Attaind ū mort p̄son & Ley. Et ceux p̄sons d̄ Nobilitie & autres poient retener, & quant Chaplains ils severalment poyent reteine, l' Act de 21 H. 8. c. 13. bien declare.

La femme d̄ un Barō durant le Coverture ne poit retienne ū Chaplain, uncore quant un Baroñesse dotate retienne un ou deux, solongue le Proviso del dit Act, cest retaigner est le principal matt', & si longe

Chaplain.

Chaplain is he that performs Divine Service in a Chappel, and therefore is commonly used for him that depends upon the King or other man of worth, for the instruction of him and his family, the reading of Prayers, and Preaching in his private house, where usually they have a Chappel for that purpose.

And for that they are retained by Letters under the Seal of their Patron, and thereby by intendment are to be resident with them, the Law hath given liberty for their Non-residency upon their Benefices.

If an Earl or Baron retains a Chaplain, and before his advancement is attained of Treason, there the Retainer is determined, and after the Attainder such Chaplain cannot take a second Benefice, because he that is attained is by his Attainder a dead person in Law. What and how many Chaplains Noblemen and others may respectively retain, the Statute of 21 H. 8. c. 3. doth well declare.

The wife of a Baron during the Coverture cannot retain a Chaplain; yet when a Baroness Dowager retains one or two, according to the Proviso of the said Statute, the Retainer is the principal matter, and

and as long as the Retainer is in force, and the Baronness continues a Baronness, the Chaplains may well take two Benefices by the express letter of the Statute; for it suffices, if at the time of the Retainer the Baronness were a widow. And herein this rule is to be observed of a woman that attains Nobility by Marriage, as by marriage of a Duke, Earl, or Baron, &c. for in such case, if she afterward marry under the degree of Nobility, by such Marriage she loses the Dignity she had attained, and after such latter Marriage the power to retain a Chaplain is determined. But otherwise it is where a woman is Noble by Descent, for there her Retainer before or after the Marriage with one that is not Noble shall be in force, and is not countermanded by the Marriage, nor determined by her taking a Husband under her degree. Coke lib 4. fol. 118, 119.

Chapter.

Chapter in Latine is defined to be An Assembly of Clerks in a Church-Cathedral, conventual, regular, or Collegiate; and in another signification, A place wherein the members of that Community treat of their common affairs; and it hath other significations which appertain not to our purpose. It may be said

come le Reteigner est en force, & le Baronesse continue un Baronesse, les Chapleins bien poyent accept' deux benefices pl' expresse letter del Aſſ; car il suffist, si al temps del Reteigner le Baronesse fuit widow. Et en ceo cest rule est desir extend d un feme q atteigne Nobilitie p Marriage, come p marriage d un Duke, Count, ou Baron, &c. car en tiel case, si el apres marrie desouth le degree de Nobilitie, per tiel Marriage el perde le dignitie a que el ad attaine, & apres tiel darreine Marriage le poyar de reteigner un Chapleyn est determine. Mes autrement est ou feme est Noble p Descend, car la sa Reteigner devant ou apres le Marriage ove u que est ignoble serra en force, & nemy countermaund per le Marriage, ne determine per sa pris l d un baron desouth sa degree, Coke lib. 4. fol. 118, 119.

Chapter.

Chapter en Latine est define desre Congregation Clericarum in Ecclesia Cathedrali, conventuali, regulari, vel Collegiata; & en aut' signification, Locum in quo fiunt communes tractatus Collegiatorum: & il ad auters significations q ne pas appent a nre purpose. Poi estre dit que cest

Collegiate society est appellé *Chapter* metaphorice, le parol originalment implient un *petit teste*; car cest Society ou Corporation est sicome un *Teste*; non solemt a gard & govern le Diocesse en le vacation del *Evesquery*, mes aux' e' plusors choses d' adviser l' *Evesque* quant le *See* est pleine.

that this Collegiate company is termed *Chapter* metaphorically, the word originally implying a little head; for this Company or Corporation is as a *Head*, not only to rule and govern the Diocesse in the vacation of the *Bishoprick*, but also in many things to advise the *Bishop* when the *See* is full.

Charge.

Charge est lou un home granta un *Rent* issuant hors de son t're, & q, si le *Rent* soit arere, que terra loyal a luy, ses heirs & assigns, a distraire tant q le *Rent* soit pay: cest appel un *Rent-charge*. Mes si u grant u *Rent-charge* hors del terre d'un aut', comt puis il purchase la terre, uncore le *Grant* est void.

Charge is where a man grants a *Rent* issuing out of his land, and that, if the *Rent* be behind, it shall be lawfull for him, his heirs and assigns, to distrain till the *Rent* be paid: this is called a *Rent-charge*. But if one grant a *Rent-charge* out of the land of another, though after he purchase the land, yet the *Grant* is void.

Charter-terre.

Charter-terre est tiel que home tient p *Charter*, cest adire per Evidence en escript, q autrement est appel *Franktenement*. Copihold terres devant le Conquest fueront p les Saxons appel *Folkland*, & les *Charter-terres*, *Bockland*. Et *Lambert*, en son Explication de Saxon parols, dit, Que cest terre fult tenuz ove plus facile & commodius conditions q *Folkland* ou *Copihold* t're tenus sans Escrip: Et son

Charter land.

Charter-land is such as a man holds by *Charter*, that is, by Evidence in writing, which otherwise is called *Free-hold*, *Coppyhold-lands* before the Conquest were by the Saxons called *Folkland*, and the *Charter-lands* *Bockland*. And *Lambert* in the Explication of Saxon words, saith, That this land was held with more easie and commodious conditions then *Folkland* and *Coppyhold-land* held without writing: And his

his reason is, because it is a free and absolute Inheritance; whereas land without writing is charged with payment and bondage; so that for the most part Noblemen and persons of Quality possess the former, and Rusticks the other. The first we call Free-hold and by Charter; the other, Land at the will of the Lord.

If a Riot, Rout, or Unlawful assembly be committed, then by the Statute of 19 H. 7. c. 13. twenty men inhabiting within the County where the Riot, &c. is made (whereof every of them shall have lands and tenements within the same County to the yearly value of twenty Shillings of Charter-hold or Free-hold, or twenty six Shillings of Copphold) shall make enquiry thereof.

Charter-party.

Charter-party is an Inventure of Covenants and Agreements made between Merchants or Mariners concerning their Sea-affairs: and of this you may read in the Statute, now out of use, made 32 H. 8. cap. 14.

Charters.

Charters of Lands are Writings, Deeds, Evidences, and Instruments, made from one

reason est, pur ceo q'il est un frank & immune Inheritance, ou t're sans Escrypt est charge ove paym'ts & servitude issint que le griend' part d' hōes de Nobilitie & bone Qualitie possèdent le primier, laut' Rustick homes. Le prim nous appellomus Franktenem't, & p Charter; laut'er, Terre al volunt del Seignor.

Si Riot, Rout, ou Illoyal assembly soit commise, donques per le Act de 19 H. 7. c. 13. vint homes inhabitant deins le County ou le Riot, &c. est fait (de que chescun de eux avera terres & tenem'ts deins mesm le County al annuel value de vint soulz de Charter-hold ou Franktenem't, ou vint & siz soulz d Copihold) feront enquiry de ceo.

Charter-party.

Charter-partie est un Inventure des Covenants & Agreements faits ent' Merchants ou Maribers touchant leur maritime affairs: Et de ceo poyes lier le Statute, ore obsolete, fait 32 H. 8. cap. 14.

Charters.

Charters de Terres sont Escrypts, Faits, Evidences & Instruments, fait d'un homme

home al auter, sur aſc Eſtate conveyed ou paſſed parenter eux de Terres ou Tene-ments, monſtrant les noſmes, lieu, & quantite del Terre, le Eſtate, temps, & man-ner del ſeaſons de ycel, les Par-ries a l'Eſtate, deliver & priſe, les Teſmoinnes preſent al ceo, ove auters circum-ſtances.

man to another, upon ſome Eſtate conveyed or paſſed be-tween them of Lands or Tene-ments, ſhewing the names, place, and quantity of the Land, the Eſtate, time, and manner of the doing thereof, the Parties to the Eſtate, delivered and ta-ken, the Witneſſes preſent at the ſame, with other circum-ſtances.

Chartis reddendis.

Chartis reddendis.

CHARTIS reddendis eſt un Bre q giſt envers luy q ad Charters del Feoffmēt deliver al luy p conſerve, & il reſuſe deliver ceuxs. *Vtil Nat. Brev. fol. 66. Reg. Orig. f. 159.*

CHARTIS reddendis is a Writ which lies againſt him that has Charters of Feoffment de-livered him to be kept, and re-ſuſes to deliver them. *Old Nat. Brev. fol. 66. Reg. orig. fol. 159.*

Chafe.

Chafe.

CHAFE eſt priſe deux voyes : prlmermt a driver cattel, ſcōbe a chaſer ū diſtreſs a un Fortlet; ſecondemnt, eſt uſe p un Receit p Dames & Avers del Forest: & eſt dun nature parent' un Forest & un Park, eſteant cōmuneſmt meins q ū Forest, & nēy edow ove tous Liberties, cōe ove Courts de Attachment, Swainmote, & Juſtice ſeat; & unē dun plus large cōpas, & ayāt plus di-verſitie del Gardiās & Game q ū Park. *Crompt. en ſon Liv' de Jurifdiction, fo. 148. dit, Que ū Forest ne poit eſtre ē les maines dū Subject, mes il*

CHAFE is taken two wayes : firſt, to drive cattel, as to chaſe a Diſtreſs to a Caſtle; ſecondly, for a Receit for Deer and Beaſts of the Forest: and it is of a middle nature be-tween a Forest and a Park, being commonly leſs then a Forest, and not endued with ſo many Liberties, as with Courts of Attachment, Swainmore, and Juſtice ſeat; and yet of a larger compaſs, and having greater diverſity of Keepers and Game then a Park. *Crompt. in his Book of Jurifdiction, fol. 148. ſaith, That a Forest may not be in the hands of a Sub-*

Subject, but it presently looses the name, and becomes a Chase; and yet fol. 197. he saith, That a Subject may be Lord and owner of a Forest; which though they seem contradictory, yet are both his sayings in some sense true: For the King may give or alienate a Forest to a Subject, yet so, that when it is once in the Subject, it loses the true property of a Forest, because the Courts of Swainmote, Justice seat and Attachment, presently vanish, none being able to make a Lord chief Justice in Eyre of the Forest but the King, as Manwood hath well shewed, as his Book of Forest Laws, cap. 3. & 4. Yet it may be granted in such large manner, that there may be Attachment and Swainmote, and a Court equivalent to a Justice Seat, as appears by him in the same Chapter, numb. 3. So that a Chase differs from a Forest in this, because it may be in the hands of a Subject, which a Forest in its proper nature cannot be; and from a Park in this, that it is not inclosed, and hath not only a larger compasse, and more store of Game, but of keepers also and Overseers. See Forest.

Immediatmēt pde le nōme, & devlent ū Chase: & unc' fo. 197. il dit, Que un Subject poit estī Sār & owā dun Forest; le quels nient obstār que semble contrary, uncore sont ambideux ses dits ē asc' sense voyer: Car le Roy poit done ou aliener un Forest a ū Subject, uncore issint q̄ quāt il est ū sōls ē le Subject, il pde le voyer ppetiē dun Forest, p̄ ceo q̄ les Courts de Swainmote, Justice seat & Attachment, immediatmēt vāle, nul esteant able de faire un Sār chief Justice en Eyre del Forest forsī le Roy, sicōe Manwood ad bien monstre ē son Liver de Forest Leyes, c. 3. & 4. Uncore poit estre grantus en tiel large māier, que la poit estre Attachment & Swainmote, & un Court equivalent a un Justice seat, come applert p̄ luy en m̄ le cap. numb. 3. Issint q̄ un Chase differt de un Forest en ceo, pur ceo que poit estī en les maines dun Subject, que un Forest en son proper & voyer nature ne poit estre; & de un Park en ceo, q̄ nest inclose, & ad non solēmēt un pluis large cōpas, & pluis stor d Game, mes de Gardiās aux' & Supervisors. Vide Forest.

Chatels.

Chatels. See Catalis.

Chatels.

Chatels. Veies Catalis.

Chauntry.

Chauntry, Cantaria, est ū Eglise ou Chappel edow ove t'res ou auter annual re-venews p'le maintenance dun ou plusors Priests, de chaunt' Massee de jour en jour pur les Ames des Donor, & tiels auters q' ils appoint. Et d' ceux poyes lier en les Statutes 37 H.8. c. 4. & 1 E. 6. c. 14.

Chevage.

Chevage est un som de argent pay per Villeins a lour Sñrs en conusans d' lour Villenage, le quel Bract. l. 1. c. 10. ffint define & Latin; *Chevagium dicitur recognitio in signum subjectionis & domini de capite suo.* Sēble aux' desir use pur un somme d' argent doñ p' ū home al aut' d' poyer & potencia p' son avowment, maintenance & p'ection, si come a lour Teste ou Conductor. Lambert ceo escrie *Chivage*, ou potius *Chiefage*.

Chevisance.

Chevisance venust del parol Francols *Chevir*, id est, dēvener al Chief de quelque chose. Et pur ceo que le perfection d'un Bargaine est le porter del matter al fine, &

Chauntry.

Chauntry is a Church or Chappel indued with lands or other yearly revenues for the maintenance of one or more Priests, to sing Mass daily for the Soules of the Donors, and such others as they appoint. And of these you may read in the Statutes made 37 H. 8. c. 4. & 1 E. 6. cap. 14.

Chevage.

Chevage is a summe of money paid by Villains to their Lords in acknowledgement of their Slavery, which Bracton lib. 1. cap. 10. thus defines; *Chevagium dicitur recognitio in signum subjectionis & domini de capite suo.* It seems also to be used for a sum of money given by one man to another of power and might for his avowment, maintenance and protection, as to their head and Leader. Lambert writes it *Chivage*, or rather *Chiefage*.

Chievifance.

Chevifance comes from the French word *Chevir*, that is, to come to the end or head of a business. And because the perfecting of a Bargaine is the drawing of the matter to the head,

head, this word Chevisance is used for Bargaining in the Statutes of 37 H.8. cap. 9. & 13 Eliz. cap. 7, & 8.

parol chevissance est use pur Bargainer en le Statutes 37 H.8. cap. 9. & 13 Eliz. cap. 7, & 8.

Childwit.

CChildwit, that is, that you may take a fine of your Bondswoman, defiled and gotten with Child without your licence.

Childwit.

CChildwit, hoc est, quod capiatis Gersumam de nativa vestra, corrupta & pregnata sine licentia vestra.

Chimin.

CHimin is the High-way where every man goes, which is called Via Regia; and yet the King hath no other thing there but the passage for him and his people; for the Freehold is in the Lord of the Soile, and the Profits growing there, as Trees and other things. And it is divided into two sorts, the King's way, of which is spoken before, and a private Way, or private Passage; and this is the Way by which one man or more have liberty to pass, either by prescription, or by writing, through the land of another: And this is divided into a way in gross, and a Way appendant, Kirch. fol. 177. Chimin in gross is that Way which a man holds principally and solely in it self: Chimin appendant is that which a man hath adjoyned to some other thing, as appertaining

Chimin.

CHimin est le Haut voy lou chescun hōe passa, q̄ est appel Via Regia; & uncore le Roy nad aut chose la fors q̄ le passage pur luy & son people; car le Franktenement est en le Seignor del soile, & tous les Profits creffans la, come Arbres & auters choses. Et ceo est divide en deux sorts, Via Regia, de que est parle devant, & Via private, ou Chiminus privatus; & ceo est un Voy per que home ou pluis ont liberte a passer, ou p prescription, ou p charter, sur le terre don aut home: Et ceo est divide en Chimin en gross, & Chimin appendant, Kirch. f. 177. Chimin en gross, est ceo Voy que home tient principalment & solement en luy m̄: Chimin appendant est ceo que home ad adjoin a aucun auter chose, come appartenant

à ceo; pur exemple, si home prist un Close ou Pasture, & ad covenant pur ingress & egress, al & de mesme le dit Close, pascun auter terre, p que auterint il ne poit passer. Ou Chimin en grosse poit estre ceo q les Civilians appel Personal; come quant un covenant p un voy sur le terre dun auter home pur luy mesme & ses heires: Chimin appendant, e converso, poit estre ceo que ils appel Real; sicome quant home purchase un voy p le solle dun auter home, pur tiels que inhabiteront ou inhabiteront en cest ou cest measō, ou que sōt les owners de tiel Manor, a tous jours.

thereunto; for example, if a man hires a Close or Pasture, and hath a Covenant for ingress and egress, to and from the said Close, through the ground of some other, through which otherwise he might not pass. Or a Way in gross may be that which the Civilians call Personal; as when one covenants for a Way through the ground of another man for himself and his heirs: A way appendant on the other side, may be that which they call Real, as when a man purchases a Way through the ground of another man, for such as do or shall dwell in this or that house, or that are the owners of such a Manor, for ever.

Chiminage.

Chiminage est un Toll done pur passage per un Forest, en disturbance des feres del Forest.

Chiminage.

Chiminage is a Toll paid for a mans passage through a Forest, to the disquiet of the wild beasts of the Forest.

Chirographer.

Chirographer est celuy que en le Office del common Bank engrosse Fines conus en cest Court, en un perpetual Record, (puls que ils sont conus & pleinment passe per ceux officers per queux ils sont primerment examine) & que escrie & deliver les Indentures; un pur le

Chirographer.

Chirographer is he that in the Common-Bench-Office, ingrosses fines acknowledged in that Court into a perpetual Record, (after they are acknowledged and fully passed by those Officers by whom they are first examined) and that writes and delivers the Indentures, one for the Buyer, and another for him

him that sells, and makes another indented piece, containing also the effect of the fine, which he delivers over to the Custos Brevium, which is called the Foot of the fine. The Chirographer also, or his Deputy, proclaims all the fines in the Court every Term, according to the Statutes, and then repairing to the Office of the Custos Brevium, there endorses the Proclamations upon the backside of the Foot thereof, and always keeps the Writ of Covenant, as also the Note of the fine.

Purchasor, & auter pur le Vendor, & fait un auter Escrow endented, contenant auxy le effect del Fine, que il deliver ouster al Custos Brevium, que est appel le Pee del Fine. Le Chirographer auxy, ou son deputy, proclame tous les Fines en le Court chescun Terme, accordant al Statute, & donques en allant al Office del Custos Brevium la endorse les Proclamations sur le dorse del Pee de ceo, & tous soits retaine le Brief de Covenant, come auxy le Note del Fine.

Chivage.

Chivage.

CHivage. See Chevage.

CHivage. Veles chevage.

Chivalrie.

Chivalrie.

CHivalrie is a Tenure of land by knights service: for the better understanding whereof it is to be known, that there is no land but is held mediately or immediately of the Crown by some Service or other; and therefore all our free-holds that are to us and our heirs are called Fees, as proceeding from the bounty of the King for some small yearly Rent, and the performance of such services as originally were imposed upon the Land at the gi-

CHivalrie est un Tenure de terre p service d Chivaler: p le meux intelligence d que est desire connu, que la nest aucun terre mes il est tenu mediatement ou immediatement del Corone per aucun Service ou auter; & pur ceo tous nostre Franktenements que sont a nous & a nostre heires sont appel Fees, come ensuants de le bountie del Roy pur petit annuel-rent, & le performance de tiels services que originalment fueront

fueroit impose sur le terre al donation de ceo : Car si come le Roy done a ses Nobles, ses immediate Tenantes, grand possessions a tous jours, a tener de luy par celuy ou tiel rent & service; lisint ils arere en tēps divide ouster, a tiels que pleist a eux, lour terres lisint receive del bōurle le Roy, p rents & services come a eux semble biē. Et ceux Services sont tous p *Liitleton* divide en deux sorts, *Chivalrie* & *Socage*, lū marrial & militaire, le auter rural & rustical.

Chivalrie pur ceo est un Tenure per que le Tenant est lie a performer alcun noble ou militaire office a son Seignior; & est de eux sorts, ou Regal, cestascv' tiel que poit estre tenus solement del Roy, ou tiel que poit auxy estre tenus dun cōmon person cybien come del Roy. Ceo que poit tener solement del Roy, est propremt appel *Servitium* ou *Serjeantia*, & est auxy aref divide en *Grand* & *Petit Serjeantie*. *Grand Serjeanty* est ceo, ou hōc tient terres del Roy p service q il devoit fair en son pson demesne, come a porter le Banner le Roy ou son Lance, ou de amesner son Hoast, ou destre son Marshal, ou a ventier un Cornu quant il veit sēs enemies invade le Tfe, ou de trover un hōc ar-ray de pugā deins le quater

thing thereof : For as the King gave to his Nobles, his immediate Tenants, great possessions for ever, to hold of him for such or such Rent and Service; so they again in time parcelled out, to such as pleased them, their Lands so received of the Kings bounty, for such Rents and Services as to them seemed good. And the Services are all by *Liitleton* divided into two sorts, Chivalry and Socage: the one material and military; the other cloutish and rustical.

Chivalry therefore is a Tenure whereby the Tenant is bound to perform some Noble or Military Office to his Lord; and is of two kinds, either Regal, that is, such as may be held onely of the King, or such as may also be held of a common person as well as of the King. That which may be held onely of the King, is properly called *Servitium* or *Serjeantia*, and is also again divided into *Grand* and *Petit Serjeanty*. *Grand Serjeanty* is that, where a man holds lands of the King by service which he ought to do in his own person, as to carry the Kings Banner or his Speat, to lead his Army, to be his Marshal, to blow a Horn when he sees his enemies invade the Land, or to find an armed man to fight within the four Seas, or to do it himself,

or to carry the Kings Sword before him at his Coronation, or at that day to be his Seldier. Carber, Butler, or Chamberlain.

Petit Serjeanty is, where a man holds land of the King to pay him yearly a Bow, a Sword, a Dagger, a Knife, a Spear, a pair of Gloves of maille, a pair of Spurs of Gold, or to give such other small things concerning the War.

Chivalrie that may hold of a common person as well as of the King is called Escuage, Service of the shield; and this is either uncertain, or certain. Escuage uncertain is also of two kinds; first, where the Tenant by his Tenure is bound to follow his Lord going in person to the Kings wars against his enemies, either himself, or to send a sufficient man in his place, there to be maintained at his costs so many dayes as were agreed upon between the Lord and his Tenant at the granting of the Fee. And the dayes of such service seem to have been rated by the quantity of the land so held: as if it extends to a whole Knight's Fee, then the Tenant was bound so to attend his Lord 40 dayes; and a Knight's fee was so much land as in those dayes was accounted a sufficient living for a Knight, and this was 680 acres, by the opinion of some, or eight hundred, as others thinke; or fifteen pounds by the year. Cambden's

meres, ou de faire ceo luy m, ou d port l'Espee le Roy devat luy a son Coronatiō, ou a cel jour desir sō Sewer, Carver, Butler, ou Chamberlain.

Petit Serjeanty est, ou un hōe tient t're del Roy d render a luy annuellement un Arc, un Espee, un Dagger, un Cuttel, un Launce, un paire de Gants de ferre, un paire d Spors d ore, ou de render auters tiels petit choses touchant le Guerre.

Chivalrie q polt tener d un common p'son cyblien cōe del Roy est appel Escuage, Servitium scuti; & cest ou uncertain, ou certain. Escuage uncertain est auxy de deux sorts; primerment, ou le Tenant per son Tenure est lie d'attender son Seignior alant d p'son al guerres le Roy envers ses enemies, ou luy mesme, ou mitter un sufficient home en son lieu, la destre maintain a ses costs rants des jours come fuer' agreee pent' le S'r & son primer Tenat al grant del Fee. Et les jours d tiel service semble desir assesse p le quantity del t're issint tenus, Come si ceo extend a un entier Fee de Chivaler, donq le Tenant suit lie issint d'attender son S'r 40 jours; & un Fee de Chivaler suit tant d t're come d ceux jours suit account un sufficient viver p un Chivaler, & ceo suit 680 acres, p l'opinion de ast, ou 800 come aut's semblont, ou 15 livres p l' an. Cambden Brit.

Brit. fol. 110. Si le t're ex-
tende forsque al moiety d'un
Fee d'Chivaler, donq le Te-
nant est lie d'attend son Sâr
mes 20 j'urs; si a un quart pt,
donq 10 jours. *Fitzh. Nat.*
Brev. fol. 83. c. & 84. c. c. Laut'
kind d'Escuage uncertain est
appel *Castle-gard*, ou le Te-
nat p son t're est lie, ou p luy
mesme ou p asc' aut', a dese-
der un Castle si tost cõe aveña
a son course.

Escuage certain est, ou le
Tenat est assesse a un certain
sum d'argēt desire pay ē lieu
de tiel uncertain service;
cõe q un hōe payera annual-
mēt p un Fee Chivaler 20 s.
p le moiety 10 s. ou asc' tiel
rate. Et cest Service, p ceo q
est trahe a un certain rent,
vient desire d'un mixt na-
ture; nient meermēt Socage,
car ne oiet pas del Carue; &
uncore Socage ē effect, esteāt
jammes neq psonal service,
neque uncertain. Chivalrie
ad auters conditions annexe
a ceo; come Homage, Feal-
tie, Gardship, Reliefe, &
Marriage, *Bract. l. 2. c. 35.* & q
ils signifēs veies ē lour seve-
ral lieux. Chivalrie est ou ge-
neral, ou special, *Dyer fo. 161.*
plac. 47. General semble destī,
ou est solemēt dit ē le Feoff-
mēt, q le Tenant tient p *Ser-
vitium militare*, sans asc' spe-
cification d'Sergeantrie, Escu-
age, &c. Special est ceo q est
declare particularmēt p quel
kind de service de Chivalrie

Brit. fol. 110. If the land ex-
tends but to the moiety of a
Knight's fee, then the Tenant
is bound to follow his Lord but
20 days; if a fourth part, then
10 days. *Fitzh. Nat. Brev. fol. 83.*
c. & 84. c. c. The other kind
of Escuage uncertain is called
Castleward, where the Tenant
by his land is bound, either by
himself or some other, to defend
a Castle as often as it shall
come to his turn.

Escuage certain is, where the
Tenant is assessed to a certain
summe of money to be paid in
stead of such uncertain service;
as that a man shall pay yearly
for a Knight's fee 20 shil-
lings, for the half 10 shillings,
or any such rate. And this
Service, because it is drawn to
a certain Rent, comes to be of a
mixt nature, not merely So-
cage, for it smells not of the
Plow; and yet Socage in ef-
fect, being now neither perso-
nal service, nor uncertain. Chi-
valry hath other conditions an-
nexed thereunto: as Homage,
Fealty, Wardship, Relief, and
Marriage, *Bract. l. 2. c. 35.* and
what they signifie in their se-
veral places. Chivalry is ei-
ther general, or special, *Dyer*
fol. 161. plac. 47. General seems
to be, where it is only said in the
Feoffment, that the Tenant
holds by Knight's Service,
without any specification of
Sergeantry, Escuage, &c. Spe-
cial is that which is declared
particularly what kind of
Knights

Knights service he holds by.
See the Statute 12 Car. 2. c. 24

il tient. Veies le Statute
12 Car. 2. cap. 24.

Thing in Action.

Thing in Action is, when a man hath cause, or may bring an Action for some duty due to him; as an Action of Debt upon an Obligation, Annuity, or Rent, Action of Covenant, or Ward, Trespass of goods taken away, Beating, or such like: and because they are things whereof a man is not possessed, but for recovery of them is debten to his Action. they are called Things in Action. And those Things in Action that are certain, the King may grant, and the Grantee may have an Action for them in his own name only: But a common person cannot grant his Thing in Action, nor the King himself his Thing in Action, which is uncertain, as Trespass, and such like.

But of late times it is used in London, that Merchants and others there, who have Bills without Seals for payment of Money assign them to others, who bring actions in their own names.

Chose en Action.

Chose en Action est, quant un home ad cause, ou poit porter un Action p' asc' duty due a luy; cōe un Action de Debt sur un Obligation, Annuite, ou Rent, Action de Covenant, ou Gard, Trespas des biens import, Battery, ou tielx semblables: & p' ceo q' ils sont choses d' queux ū hōe nest possesse, mes p' recovery d' eux est mis a son Action, ils sont appellees choses en Action. Et ceux Choses en Action que sont certain, le Roy poit graunter, & le Grantee poit user un Action p' eux en son nomme demesme solemēt: Mes un cōmon pson ne poit graunt son Chose en Action, ne Roy luy m' son Chose en Action, quel est uncertain, cōe Trespass, & tielx semblables.

Mes de tardiffe temps est use en Londre, q' Merchants & autres la queux ont bills sans Seals pur paymēt d' argent eux assigne al auters queux assignes porteront actions en leur nommes demesmes.

Churchesset.

Churcheset est un parol de q̄ Flet. l. 1. c. 47. È le fine issint escrie : *Certam Mensuram bladi tritici significat, quā quilibet olim Sanctæ Ecclesiæ die S. Martini, tempore tam Britonum quam Anglorum, contribuerunt. Plures tamen Magnates, post Romanorum adventum, illam Contributionem, secundum vet. Legem Moyfi, nomine Primitiarum dabant, prout in Breui Regis Kanuti ad summum Pontificem transmissio continetur; in quo illam Contributionem Chirchsed appellant, quasi Semen Ecclesiæ.*

Churcheset.

Churcheset is a word where-
of Flet. l. 1. c. 47. in the end thus writes: It signifies a certain Measure of Wheat, which in times past every man on St. Martins day gave to Holy Church, as well in the time of the Britains as of the English. Yet many great persons, after the coming of the Romans, gave that Contribution, according to the ancient Law of Moses, in the name of the First-fruits, as in the Work of King Kanutus sent unto the Pope is contained; in which they call the Contribution Chirchsed, as one would say, Church-seed.

Gardians d' Esglise.

Gardians d' Esglise sont Officers annualment elect p le consent del Minister & les Parochians, accordant al custom de chesc several lieu, a veier al Esglise, Cemiter, & tiels choses quecux appent al ambideux, & d observer le gesture des Parochians, p tiels crimes q̄ appertain al jurisdiction ou censure del Court Ecclesiastical. Ceux sont un kind de Corporation, & sont enable p Ley de suc p aucun chose apperteignant a lour Esglise, ou les Povers dl Paroche. Veies Lambert del Dutie des Gardians del Esglise.

Church-wardens.

Church-wardens are Officers yearly chosen by the consent of the Minister and the Paritioners, according to the custom of every several place, to see to the Church, Church-yard, and such things as belong to both, and to observe the behaviour of the Paritioners, for such crimes as appertain to the jurisdiction or censure of the Ecclesiastical Court. These are a kind of Corporation, and are enabled by Law to sue for any thing belonging to their Church, or the Poor of the Parish. See Lambert's Duty of Church-wardens.

Cinque

Cinque Port.

Cinque Ports are five Haven-towns, that is, Hastings, Romney, Hythe, Dover, and Sandwich, to which have been granted long time since many Liberties (which other Port-towns have not,) and that first in the time of King Edward the Confessor; which have been increased since, and that chiefly in the days of the three Edwards, the first, the second, and third, as appears in Dooms-day book, and other old Monuments, too long to recite.

Circuity of Action.

Circuity of Action is, when an Action is rightfully brought for a Duty, but yet about the bush, as it were, for that it might as well have been otherwise answered and determined, and the Suit saved: and because the same Action was more then needful, it is called Circuity of Action. Thus a man grant a Rent-charge of x. li. out of his Manor of Dale, and after the Grantee disseises the Grantor of the same Manor, and he brings an Assise, and recovers the land, and xx. li. damages, which xx. li. being paid, the Grantee of the Rent sues his Action for x. li. of his Rent due during the time of the Disseisin,

Cinque Ports.

Cinque Ports sont cinque Haven-villes, c'est-à-savoir, Hastings, Romney, Hyth, Dover, & Sandwich, a queux ad esté grant long temps passé multe Liberties (q' aut's Port-villes nont,) & ceo primerment en le temps del Roy Edouart appel le Confessor; & fuer encrease apres, & ceo especialment en les jours del troys Edouart, le prim, secod, & le tierce, cōe appiert ē le livre d Dooms-day & aut' vieux Monumēts, trop longe d recite.

Circuitie de Action.

Circuitie de Action est, quant un Action est droituralement port p' un Dutie, mes uncore circum le bush, come semble, p' ceo q' ceo poet estre estre auterment respondue & determine, & le Suit save: & p' ceo q' mesme l'Action fuit plais q' besoigne, il est appel Circuitie de Action, come si un home grant un Rent-charge de x li. hors de son Manor d Dale, & apres le Grantee disseist le Grantor de mesme le Manor, & il port un Assise, & recover le terre & xx. l. damages, le quel xx. li. estant pay, le Grantee del Rent sue son Action p' x. li. d son Rent due durāt le tēps d le Disseisin,

fin, leq̄ final Disseisin ad este
 Il doit aver ewe : Cest ap-
 pel Circuite de Action, p̄ ceo
 q̄ il poit aver. este pluis brief-
 ment respondue ; car lou le
 Grantor doit receive xx. li.
 damages, & pay x. li. Rent, Il
 puit aver receive forsq̄ le x. li.
 solemt̄ p̄ les damages, & le
 Grantee puit aver recoup. &
 retaine arere le aut' x. l. & ses
 maines p̄ voy de detainer pur
 son Rent, & issint p̄ ycel poer
 aver save son Action.

which if no Disseisin had been
 he must have had : This is cal-
 led Circuitry of Action, because
 it might have been more shortly
 answered ; for whereas the
 Grantor shall receive xx. li. da-
 mages, and pay x. li. Rent, he
 may have received but the x. li.
 only for the damages, and the
 Grantee might have cut off and
 kept back the other x. li. in his
 hands, by way of detainer for
 his Rent, and so thereby might
 have saved his Action.

Circumstantibus.

Circumstantibus est un pól
 d Art, exprellent le Sup-
 ply & addition del nombre d
 Jurors, si asc' impaneled ne ap-
 pearont pas, ou sont challenge
 p asc' pte, p adding a eux cy
 plafors auters de eux q̄ sont
 fissent & circumstantes. Veies
 35 H. 8. c. 6. & 5 Eliz. 25.

Circumstantibus is a word of
 Art, signifying the Supply
 and making up the number
 of Jurors, if any impannelled
 do not appear, or are challenged
 by either party, by adding to
 them as many others of those
 that are present and standers by.
 See 35 H. 8. c. 6. & 5 El. c. 25.

City.

City est del Ville corpo-
 rate q̄ ad un Evesq̄ & un
 Esglise Cathedral, & de c' tiels
 parols sont trove : Idem locus
 Urbs, Civitas, & Oppidum
 appellatur. Civitas enim dici-
 tur, quatenus cum iustitia &
 Magistratum ordine governa-
 tur; Oppidum, quatenus est ibi
 copia Incolarum; & Urbs,
 quatenus Muris debito modo
 cingitur. Proprie autem dici-

City is such a Town corpo-
 rate as hath a Bishop and
 a Cathedral Church, where-
 of such words are found : The
 same place is called *urbs*, *Civitas*,
 and *Oppidum*. It is called *Civitas*
 in regard it is governed in justice
 and order of Magistracy ; *Oppidum*
 for that there are therein great
 plenty of Inhabitants ; and *urbs*,
 because it is in due form begirt
 about with Walls. But that place

Is commonly called *Civitas* which hath a Bishop. Yet Crompton in his Jurisdiction reckons up all the Cities, and leaves out Ely, although it hath a Bishop and a Cathedral Church, and puts in Westminster, notwithstanding it now hath no Bishop. And 35 El. 6. Westminster is called a City: and Anno 27 ejusd.c. 5. (of Statutes not printed) Westminster is alternative called a City or Borough. It appears by the Stat. 35 H. 8 c. 10. that then there was a Bishop of Westm. Cassanews writes, that France hath within its Territories 104 Cities, and gives this reason, because there are so many Sees of Archbishops and Bishops.

tar Civitas que habet Episcopum. Uncore Crompton en son *Jurisdiction* mention tous les Ctries, & omit Ely, nient obstant q' ad un Eveq; & un Eglise Cathedral, & mita elns *Westminster*, nient obstant que jammes nad asc' Eveq; Et 35 El. c. 6. *Westminster* est appel' u' Clry: & Anno 27 ejusd.c. 5. (d' Statutes niert imprime) *Westminster* est equalme appel' u' City ou Borough Il appllet p' l' St. 35 H. 8. c. 10. q' dōqs la suite u' Eveq; d' *Westm.* *Cassaneus* escrie, q' France ad deins les Territories 104 Cities, & il rend e' rason, p' ceo q' la font cy plusieurs Sees d' Archlevesq; & Eveq;.

Clack.

CLack, as to clack, force, and bard wool, 8 H. 6. cap. 22. whereof the first, viz. to Clack wool is, to cut off the mark of the Sheep, which makes it to weigh less, and so to pay the less Customs to the King: To Force wool is, to clip the upper and most hairy part of it: To Bard or beard wool is, to cut the head and neck from the other part of the fleece.

Clack.

CLack, sicome a clacker, forcer, & bard' lane 8 H. 6. c. 22. De q' le *prim'oir* de Clacker lane, est, d' scinder les marks des Barbits, q' fait ceo destre d' meind' poyz, & issint d' payer le meind' Custom al Roy: De forcer lane est, de clip p' le ouster & plus crineous part d' ceo: De Bard ou beard lane est, d' scind' l' teste & colle del aut' pie d' l' Toiso.

Claim.

Claim is a Challenge by any man of the property or ownership of a thing which he

Clame.

Clame est un Challenge p' ascun home de le p'prie ou ownership de un chose
L que

que il nad en possession, mes est deteigne de luy tortiousment; & le parry que issint fait son Claim pdra per ceo un grand advantage; car en ascun cases il poit per ceo avoider un Discent d terres; & en ascun cases il per ceo favera son Title, que autrement serroit perde. Come si home soit disseisic, & le Disseisic fait Continual claim, cest adire, sil claimer les terres dont il est disseisic deins le an & jour devant le mort, le Dissessor, donque poit il enter, nient obstant le Discent.

Auxy si Fine soit levie del terre a un autre home, donq cestuy que ad droit a ceo doit faire son Claim deins cinq; ans apres le Proclamation ad fait, ou certifie, per le Statute de 4 H 7. c. 24. Mes un estrange que nul droit ad ne poit de son teste demesne enter, ou faire Claim en le noim de cestuy q droit ad de avoider le Fines deins les cinque ans, sans comandmt precedent ou assent subsequnt; uncore Gardian pur nurture, ou en Socage, poit enter ou faire Claim en le noime del Enfant que ad droit de enter ou faire Claim; & c' aydera le estate del Enfant, sans ascun comandment ou assent, car la est privie enter eux.

hath not in possession, but to withholden from him wrongfully: and the party that so makes this Claim shall have thereby a great advantage: for by it, in some cases, he may avoid a Discent of lands; and by it, in other cases, he may save his Title, which otherwise should be lost. As if a man be disseised, and the Disseisic makes a Continual claim, that is, if he claim the lands whereof he is disseised within the year and day before the death of the Dissessor, then may he enter, notwithstanding the Discent.

Also, if a Fine be levied of another mans Land, then he that hath right thereunto ought to make his Claim within five years after the Proclamation had, made, or certified, by the Statute of 4 Hen. 7. cap 24. But a Stranger that hath no right cannot of his own head enter, or make Claim in the name of him that hath right to avoid the Fine within the five years, without commandment precedent or assent subsequnt: yet Gardian for education, or in Socage, may enter or make Claim in the name of the Infant that hath right to enter or make Claim; and this shall help the estate of the Infant, without commandment or assent, for there is privy between them.

Claim

Claim of Libertie.

It is a Suit or Petition to the King, in the Court of Exchequer to have Liberties and Franchises confirmed there by the Kings Attorney General, Co. Ent. 93.

Clergie.

Clergie is taken divers wayes; sometimes for the whole number of Religious men, sometimes for a Plea to an Indictment or Appeal: and is defined to be an ancient Liberty of the Church, confirmed in divers Parliaments. And it is, when a man is arraigned of Felony, or such like, before a temporal Judge, &c. and the prisoner prays his Clergie, that is, to have his Book, which in ancient time was as much as if he desired to be dismissed from the temporal Judge, and to be delivered to the Ordinary to purge himself of the same offence. And then the Judge shall command the Ordinary to try if he can read as a Clerke, in such a Book and place as the Judge shall appoint. And if the Ordinary certifie the Judge that he can, then the prisoner shall not have judgment to lose his life. But this Libertie of the Clergie is restrained by the Statute of 8 El. c. 1. an. 14 ejusd. c. 5. an. 18 ejusd. c. 4, 6, 7. & 23 ejusd. cap. 2. & 29. ejusd. cap. 2 &

Claim de Liberties.

Est un Suit ou Petition al Roy En le Court d'Exchequer d'aver liberties, & Franchises d'estre confirm la p l'Attorney Geneneralle Roy. Coke Ent. 93.

Clergie.

Clergie est prise divers voyes; ascun folz p tout le nombre de homes de Religion, asc' folz p un Plee a un Indictment ou Appeal: & est define desirer un ancient Liberty de l'Eglise, confirm en divers Parliamēt. Et est, quāt un home est arraignē de Felony, ou tich semblables, devant un temporal Judge, &c. & le prisoner pria sō Clergie, cest adif, p aver sō Liver, q̄ l'ancien temps fuit autant si come il ust prie desirer dis-misse del temporal Judge, & desirer deliver al Ordinary de purger luy mesm de m offence. Et donques le Judge commander le Ordinaf d' trier sil poit lier come ū Clerk, en tiel Livre & lie come le Judge assignera. Et si le Ordinary certifie le Judge q̄ il poit, doncs le prisoner navera judgmēt de pāersō vie. Mes c'est Libertie de Clergie est restrain p les Stat. de 8 El. cap. 4. an. 14. ejusd. c. 5. an. 18 ejusd. cap. 4, 6, 7. & 23 ejusd. c. 2. & 19 ejusd. c. 2. & 31. L 2 ejusd.

*ejusd. c. 12. & 39 ejusd. ca. 9. & 15. Veies Crompt. Justice de Peace, fol. 102. &c. & Stam. li. 2. ca. 41. & Stat. de 18 El. cap. 7. p^r que Clerks ne sont desir' deliv' a leur Ordinaries destr' purg', mes jâmes chesc' hōa, comt niēt deins Orders, est mls a lier al Barre, esteant trove culpable, & conviēt de tiel Felony, p^r q^{ue} cest benefit uncore grāt, & l'insin arse en le main, & enlarge p^r le primer tēps, si l' Commissary ou Deputy del Ordinaf dit, *Legit ut Clericus*; ou autermt il suffre mort pur son peche.*

31 ejusd. cap. 12. & 39 ejusd. cap. 9, & 15. See Crompt. Just. of Peace, fo. 102, &c. and Stamf. lib. 2. cap. 41. and the Stat. of 18 Eliz. cap. 7. by which Clerks are not to be delibered to their Ordinaries to be purged, but now every man, though not within Orders, is put to read at the Bar, being found guilty, and convicted of such Felony, for which this benefit is still granted, and so burned in the hand, and set free the first time, if the Ordinary's Commissary or Deputy saith, He readeth as a Clerk; or otherwise he suffers death for his transgression.

Clerk.

Clerk ad deux significati-
ons, un comt est l' title de
celuy q^{ui} apprtēt al sāt Mini-
sterie de le Esglise, cest asca-
voir, ē ceux jours, ou Minister
ou Deacō de quecūq^{ue} aut' de-
gree ou dignity, niēt obslāt q^{ue}
en pristiū tēps nō solemt *Sacerdotes & Diaconi*, mes aux'
Subdiaconi, Cantores, Acoluthi,
Exorciste & Ostiarii fueront
deins cest accomt, si cōe ils sōt
a cest jour ou le Ley Canon
ad pleine poyar. Et ē cest sig-
nification Clerk est ou Reli-
gious (autermt appel Regular)
ou Secular. 4 H. 4. c. 12.

Laut' signifi a'ion d'cest pa-
rol denote tiels q^{ui} p^{our} leur fun-
ction ou course d'vie usont leur
plum' ē asc' Court, ou aut' mēt;
come nosmemēt le Clerk des

Clerk.

Clerk hath two significati-
ons, one as it is the title of
him that belongs to the holy
Ministry of the Church, that
is, in these dayes, either Mini-
ster or Deacon of what other de-
gree or dignity soever; although
that in ancient time not only
Sacerdotes and *Diaconi*, but also
Subdiaconi, Cantores, Acoluthi, Ex-
orciste and *Ostiarii* were within
this account, as they are at this
day where the Canon Law hath
full power. And in this signifi-
cation a Clerk is either Reli-
gious, (otherwise called Regu-
lar) or Secular. 4 H. 4. cap. 12.

The other signification of this
word denotes such as by their
function or course of life use their
pen in any Court, or otherwise;
as namely the Clerk of the
Rolls

Rolls of Parliament, Clerks of the Chancery, and such like.

Rotules dī Parliamēt, Clerks del Chancery, & tiels sēbles.

Clerico admittendo.

Clerico admittendo.

Clerico admittendo is a Writ directed to the Bishop for the admitting a Clerk to a Benefice upon a *Ne admittas* tried and found for the party that procures the Writ. *Reg. orig. f. 31.*

Clerico admittendo est un Brief direct al Evesque p l'admittance de un Clerk a un Benefice, sur un *Ne admittas* trie & found p le party q pcur le Brief. *Reg. orig. f. 31.*

Clerk Attaint.

Clerk attaint.

Clerk attaint is he who praves his Clergy after judgment given upon him of the felony, and hath his Clergy allowed; such a Clerk might not make his Purgation.

Clerk attaint est celuy q pria son Clergie apres judgemēt sur luy done de Felony, & ad son Clergy allowed; tiel Clerk ne poit faire son Purgation.

Clerk convict.

Clerk convict.

Clerk convict is he who praves his Clergy before judgment given upon him of the felony, and hath his Clergy granted, such a Clerk might make his Purgation. Note, that this Purgation was made when he was dismissed to the Ordinary, there to be tried by the enquest of Clerks: and therefore now by the Stat. of 18 Eliz. cap. 7. no such is put to the Ordinary.

Clerk convict est celuy q pris son Clergie devant judgemēt done sur luy d le Felony, & ad le Clergie grant; tiel Clerk puit faire son Purgation. Nota, q cel Purgation fuit fait quant il fuit dimisse al Ordinarie, la destre trie del enquest del Clerks: & pur ceo ore per le Stat. 18 Eliz. cap. 7. nul tiel est misse al Ordinarie.

Closh.

Closh.

Closh is an unlawfull Game forbidden by the Statute made in the 17 year of E. cap. 4.

Closh ou cloffe est un illoyal Game prohibir per le Stat' fait en l' an 17 E. 4

6. 3. & est inhibé aux' par le Statute de 33 H. 8. c. 9. Mes icy est plus ppermit appel *clash*; car est le mitter d'un Boul as neuf Espingles de boys, ou neuf shank bones d'un beefe ou cheval: & est ore usualment appel *Kailes*, ou *Nint-pins*.

and it is inhibited also by the Statute of 33 H. 8. cap. 9. But there it is more properly called *Clash*; for it is the throwing of a *Bowl* at nine Pins of wood, or nine Shank-bones of an Ox or Horse: and it is now ordinarily called *Kailes*, or *Nine-pins*.

Coadjutor.

Coadjutor al *Disseisin* est celui que ore auter disseise un de son Franktenement al use del aut' & il ser' punie come un *Disseisor*; mes il nest tiel *Disseisor* que gaine le Franktenement, mes le Franktenement vest & est tout en celuy a que use le *Disseisin* fuist comit, cōe appiert ē *Littleton* l. 3. c. 3. de *Joynnants*.

Coadjutor.

Coadjutor to the *Disseisin* is he who with another disseises one of his Freehold to the use of the other, and he shall be punished as a *Disseisor*; but he is not such a *Disseisor* who gains the Freehold, but the Freehold vests and is wholly in him to whose use the *Disseisin* was committed, as appears in *Littleton*. l. 3. cap. 3 of *Joynnants*.

Cocket.

Cocket est un Seal q' appartient al Custom-house le Roy, & signifie auxy un Escrowle del parchment, seal & deliver per les Officers del Custom-house as Merchants, come un Garrant q' leur merchandizes sont customes. Cest pol est use ē les veux Stat. ore expires, faits 14 E. 3. Stat. 1. c. 21. & 11 H. 6. c. 16.

Cocket.

Cocket is a Seal pertaining to the King's Custom-house, and it signifies also a Scrowl of Parchment, sealed and delivered by the Officers of the Custom-house to Merchants, as a Warrant that their merchandize are customed. This word is used in the old Statutes now expired, of 14 E. 3. Stat. 1. c. 21. & 11 H. 6. cap. 16.

Codicil

Codicil.

Codicil is the Will or Testament of a man concerning that which he would have done after his death without the appointing of an Executor. Or it is an addition or supplement added unto a Will or Testament after the finishing of it, for the supply of something which the Testator had forgotten, or to help some defect in the Will. Of this you may read more in Swinbourn's Wills and Testaments, part. 1. Sect. 5. num. 2, 3, &c.

Coin.

Coin is a word collective, which contains in it all manner of the several stamps & portraiture of Money. And this is one of the Royal Prerogatives belonging to every Prince, that he alone in his own Dominions may order & dispose the quantity, and fashions of his Coin. And though this is the finew of all traffick and commerce, yet the Coin of one King is not currant in the Realms of another King, commonly, unless at great loss.

If a man binds himself to pay an hundred pounds of lawful Money of England to another, and at the day of payment some of the money chances to be

Codicil.

Codicil est le Volunt ou Testament dun home touchant ce que il voit aver destre fait apres son mort sans la nomination dalc Executor. Ou autrement il est un addition ou supplement adde al u Volunt ou Testament apres le fini de ceo, pour le supply dalc chose que le Testator ad oblie, ou pour ayder alc defect en le Testament. De ceo voyes lier plus en Swinbourne des Volunts & Testaments, part. 1. Sect. 5. num. 2, 3, &c.

Coigne.

Coigne est un pol collective, qui contient en tous maniers del several stamps & portraiture d Numm. Et est un des Royaux Prerogatives appartenant chesc Prince, qui il soleme est ses tres demesme poir order & dispose le quantite, & fashions de son Coigne. Et coment que ceo est le nerve d tout merchandise & commerce, uncore le Coigne d un Roy nest currant en les Royalms d un autre Roy communement, sinon al grand perde.

Si home oblige luy mesme d rendre cent livres de loyal Coigne d Anglaterra a un autre, & al jour d payme ascun d argent happa dell Coigne
L 4

de *Espaigne* ou de *François*, ore l'Obligation est bien performe, si p Proclamation ils sont faits currant mony de *Angleterre*. Car le Roy per son absolute Prerogative poit faire aucun foreign Coigne loyal Coigne de *Angleterre* a son pleasure p son Proclamation. En case ou home est de pay Rent a son Lessor sur condition de Re-entry, & le Lessee paye le Rent a son Lessor, & il ceo receive, & mitra ceo en son burse, & puis en reviewant de ceo a mesme le temps il trova q il ad receive asc' counterfeit peeces, & sur ceo il refuse de emporter les Deniers, mes re-enter pur le Condition enfreint; ore son Entry nest loyal, car quant il ad accept les Deniers, ceo fait a son peril, & puis cest allowance il ne prendra exception al aucun de eux.

Spanish or French Coin, there the Obligation is well performed, if those Coins are by Proclamation made currant money of England: For the King by his absolute Prerogative may make any foreign Coin lawfull money of England at his pleasure by his Proclamation. In case where a man is to pay Rent to his Lessor upon condition of Re-entry, and the Lessee pays the Rent to the Lessor, and he receives it, and puts it in his purse, and afterwards upon review of it at the same time he finds that he hath received some counterfeit pieces, and thereupon refuses to take away the Money, but re-enters for the Condition broken; there his Entry is not lawfull, for when he hath accepted the Money, this was at his peril, and after this allowance he shall not take exception to any of it.

Collateral.

Collateral est ceo que vient eins, ou adhere al later' dun chose; come *Collateral Assurance* est ceo q est fait ouster & pter le Fait mesme; Pur exemple, si home covenant ove un autre, & luy oblige p le performance, l'Obligation estappel *Collateral Assurance*, p ceo q est external, & sans le nature & essence del Covenant. Et *Crompter*, fol.

Collateral.

Collateral is that which comes in, or adheres to the side of any thing; as *Collateral Assurance* is that which is made over and beside the Deed it self: For example, if a man covenants with another, and enters Bond for the performance, the Bond is called *Collateral Assurance*, because it is external, and without the nature and essence of the Covenant. And *Crompt-*

Crompton, fol. 185. saith, that to be subject to feeding the Kings Deer is collateral to the soil within the Forest. In like manner we may say, that the liberty to pitch Sheds or Standing for a Fair in the soil of another man is collateral to the land. The private Woods of a common person within the Forest cannot be cut down without the Kings license, for it is a Privilege collateral to the soil. *Man. part. 1. pag. 66. Collateral Warrant; See tit. Warrantie.*

Collation.

Collation is properly the bestowing of a Benefice by the Bishop, that hath it in his own Gift or Patronage; and differs from Institution in this, for that Institution into a Benefice is performed by the Bishop at the motion and Presentation of another, who is Patron of the same Church, or hath the Patrons right for that time: Yet Collation is used for Presentation in 25 E. 3. Stat. 6. and there is a writ in the Regist. 31. b. called De Collatione facta uni post mortem alterius &c. directed by the Justices of the Common Pleas, commanding them to direct their writ to the Bishop, for the admitting a Clerk in the place of another presented by the King, who during the Suit between the King

185. dit q' desire subject al de pasturing des Däes le Roy est collateral al soyle deins le Forest. En mesme le maner poyomus nous dire, que li-berrie a pitcher Sheds ou Scalls pur un Faire e le soile d'un aut' home est collateral al terre. Le private Bois d'un comon pson deins le Forest ne poitestre succide sans le licence del Roy, car il est un Privilege collateral al soile. *Man. part. 1. pag. 66. Collateral Garrantie; Veies tit. Garrantie.*

Collation.

Collation est pperment le Donation de un Benefice p l'Evesque, q' ceo ad en son Done ou Patronage demesne; & differt de Institution en ceo, pur ceo que Institution en un Benefice est performe p l'Evesque al motion & Presentation d'un auter, q' est Patron de mesme Eglise, ou ad le droit del Patron p hac vice: Uncore Collatio est use p Presentation en 24 E. 3. Stat. 6. & la est un Brief en le Regist. 31. b. appel De Collatione facta uni post mortem alterius, &c. direct al Justices del Common Bank, eux commandant a director leur Bre al Evesq, p l'admittance d'un Clerk en le lieu d'un auter p'sent p le Roy, que devant le Suit perenter le Roy & le Clerk

Clerk del Evesque morust; car judgement un foirs p. sse p le Clerk le Roy, & il morant devant q il soit admit, le Roy poir done son Presentation al auter.

and the Bishops Clerk deceased; for judgement once passed for the Kings Clerk, and he dying before he be admitted, the King may give his Presentation to another.

Collusion.

Collusion est, lou un Action cest port vers un auter per son agreement demesme, si le Plaintiff recover, tiel Recovery est dit per Collusion. Et en ascun cases le Collusion serra inquire, come en un Quare impedit, & Assise, & tiels semblables, queux ascun Corporation ou Corps politique port envers aut' al entent d aver le Tfe ou Advowson dont le Bfe est port en Mortmain. Mes en Avowrie, ne en asc' Action personal, le Collusion ne serra enquire. Veies le Stat. de Westm. 2. c. 32. que done le Quale jus & enquire en tiel case.

Colour.

Colour est un fained matter le quel le Defendant ou Tenant use en son barre quat un Action de Trespasse ou un Assise est port envers luy, en le quel il done le Demandat ou Plaintiff un shew prima facie que il ad bone cause de Action, lou en veritie il nest just cause, mes tantolemer un

Collusion.

Collusion is, where an action is brought against another by his own agreement, if the Plaintiff recover, then such Recovery is called by Collusion. And in some cases the Collusion shall be enquired of, as in Quare impedit, and Assise, and such like, which any Corporation or Body politick brings against another, to the intent to have the Land or Advowson whereof the writ is brought in Mortmain. But in Avowry, nor in any Action personal, the Collusion shall not be inquired. See the Stat. of Westm. 2. c. 32. which gives the Quale jus and enquiry in such cases.

Colour.

Colour is feigned matter, which the Defendant or Tenant uses in his barre when an Action of Trespasse or an Assise is brought against him, in which he gives the Demandant or Plaintiff a shew at first sight that he hath good cause of Action, where in truth it is no just cause, but only a Colour and

and Face of a cause : and it is used to the intent that the determination of the Action should be by the Judges, and not by an ignorant Jury of twelve men. And therefore a Colour ought to be a matter in Law doubtfull to the common people. As for example, A. brings an Assise of land against B. and B. saith he himself did let the same land to one C. for term of life, and afterward did grant the Reversion to A. the Demandant, and after C. the Tenant for term of life died, after whose decease, A. the Demandant, claiming the Reversion by force of the Grant, (whereunto C. the Tenant for life did never attune) entered, upon whom B. entered, against whom A. for that Entry brings this Assise, &c. This is a good Colour, because the common people think the land will pass by the Grant without Attornment, where indeed it will not pass, &c.

Also in an Action of Trespass Colour must be given, of which there are an infinite number, one for example: In an Action of Trespass for taking away the Plaintiff's Beasts, the Defendant saith, that before the Plaintiff had any thing in them, he himself was possessed of them as of his proper goods, and delivered them to A. B. to deliver them to him again when, &c. and A. B. gave them unto the Plaintiff, and the Plaintiff supposing the property to be in A. B. at the time of the gift, took

Colour & Visour d'un cause : & il est use al entent que le determination del Actiō doit estre p les Judges, & nemy p un ignorant Jurie de douze homes. Et p ceo un *colour* doit estre un matter en Ley difficult al lay gentes. Come p example, A. port ū Assise d terre envers B. & B. dit que il mesme lessa mesme le terre al un C. p terme de vie, & apres grant le Reversion al A. le Demandant, & puis C. Tenant p terme de vie mourut, apres que decease, A. le Demandant, claimant le Reversion p force del Grant, (ou C. le Tenāt p vie ne unques attourne) entra, sur q & entra, envers que A. pur mesme entree port cest Assise, &c. Cest un bone *colour*, p ceo que les lay gentes pensant q le terre voile passe per le Grant sans Attornment, jou en fait ū de voile passe, &c.

Auxy ē un Actiō d Tres-passe *colour* doit estre done, & deux sont ū infinite number, un pur Example: En un Actiō de Tres-passe pur prise de Avers del Plaintiff, le Defendant dit, que devant le Plaintiff reins avoit en eux, il mesme suit possesse de eux come de les propres biens, & eux deliver al A. B. pur eux rebailer a luy quando, &c. & A. B. eux dona al Plaintiff, & le Plaintiff supposant le property desirer en A. B. al temps del doñ, prist eux,

eux, & le Defendant eux reprist del Plaincif, sur que le Plaincif port l' Action : cest un bone Colour, & un bon Plea. Veies de ceo plus en Doctor & Student, l. 2. c. 13.

Colour est pur ceo cause, viz. lou le deft. justifie p title en transg ou assize, sil ne done le Plaincif Colour son plea amount tanq al general issue, car si le Defendant ad title il n'est culpable, 1 Co. 79. 108.

Colour de Office.

Colour de Office est tous foits prist in malam partem, & signifie un act malement fait per le countenance d'un Office, & il port un dissimulant visage del droit del Office, lou le Office nest que vaille del faulxitle, le chose est ground sur vice, & le Office est come un shadow al ceo. Mes *ratione Officii*, & *virtute Officii*, sont prises tous foits in bonam partem, & lou le Office est le just cause del chose, & le chose est pursuant al Office. Plo. en Dive & Man. case 64. a.

them, and the Defendant took them from the Plaintiff, whereupon the Plaintiff brings an Action : that is a good Colour, and a good Plea. See more hereof in Doctor and Student l. 2. c. 13.

Colour is for this cause viz. where the Defendant justifies by title in trespass or assize, if he do not give the Plaintiff Colour, his plea amounteth only to not guilty, for if the Defendant hath title he is not guilty 1 Co. 79. 108.

Colour of Office.

Colour of Office is always taken in the worst part, and signifies an act evilly done by the countenance of an Office, and it bears a dissembling face of the right of the Office, whereas the Office is but a veil to the falsehood, and the thing is grounded upon vice, and the Office is as a shadow to it. But by reason of the Office, and by virtue of the Office, are taken always in the best part, and where the Office is the just cause of the thing, and the thing is pursuing the Office, Plo. in Dive & Man. case, fol. 64. a.

Combat

Combat.

Combat, in our ancient Law, was a formal Trial of a doubtful Cause or quarrel by the Sword or Bastons of two Champions. See Glanville l. 14. c. 1. Britton c. 22. and Dyer fol. 301. num. 41.

Combat.

Combat, ē nre antiq̄ Ley, cestoit un formal Trial d'un ambigueux Case ou controverſie p l'Enſe ou Baſtons d deux Champions. Veles Glanville l. 14. c. 1. Britton c. 22. & Dyer fol. 301. num. 41.

Commandment.

Commandment is taken in divers significations: sometimes for the Commandment of the King, when by his mere motion and from his own mouth he calls any man into prison, Stamf. Plac. Coron. fol. 72. or of the Justices: And this Commandment of the Justices is either absolute or ordinary. Absolute, as when upon their own authority, or wisdom and discretion, they commit any man to prison for a punishment. Ordinary is, when they commit one rather to be safely kept, then for punishment; and a man committed by such ordinary Commandment is bailable, Placit. Cor. fol. 73. Commandment is again used for the offence of him that kills another man to transgress the Law, or to do any such thing as is contrary to the Law, as Murder, Theft, or such like, Bract. l. 3. tract. 2. c. 19. The Civilians call this Commandment, Angelus de maleficiis.

Commandment.

Commandment est prise p divers significations: alc' soits p le Commandment le Roy, quant p son mere motion & de son bouche demesne il jette alc' hōe ē prison, Stamf. Plac. Cor. fol. 72. ou des Justices: Et ceo Commandment des Justices est ou absolute, ou ordinarie. Absolute, sicome quant sur leur autorite demesne, ou leur sapiece & prudence, ils committent alc' hōe a prison p ū punisment. Ordinarie est, quant ils committent un plus destre safement gard, q̄ p punisment; & hōe comitt p tiel ordinarie Commandment est malopernable, Placit. Cor. fol. 73. Commandment est use arere p l'offence d celuy q̄ comand aut' home d transgresser le Ley, ou d faire alc' tiel chose que est encounter le Ley, come Murder, Larcenie, ou tiels semb'ables, Bract. l. 3. Tract. 2. c. 19. Les Civillians appel cest Commandment, Angelus de maleficiis. Com

Commandrie.

Commandrie fuit le nomme dun Manor ou chief Meffuage, ove q. Tres ou Tenements fueront occupies preignont al Priorie d. S. Johan de Jerusalem, tanque fueront done al Roy Henry le huit p Statute fait en l'an 32 de son reigne. Et cestuy q. avoit le Governmt d. asc. riel Manor ou Meffuage fuit appel le *Commander*, q. navoit rien a faire ou disposer de ceo, fors q. al use del Priorie, & daver solemt son sustenance de ceo solongue son degree, q. fuit usualmt un Frere de meime le Priorie, que eust este fait Chivaler en les guerres encunt' Infidels: & fueront jades appel Knights de le Rhodes, ou Knights de Malta, de lleus lou leur grand Master inhabite. Veies le dit Statute, & le Statute intituled *De Templariis*, le decay des queux fuit grand encrease de cel Order. Et plusors de ceux Commandries sont e. le Pais nommes le Temple.

Commendam.

Commendam est un Benefice q. esteant void, est commend al care d. asc. sufficient Clerk, desire supplie jelsque il poit estr convenimt pvide d. u Pastor. Et le voyer

Commandrie.

Commandrie was the name of a Manor or chief Messuage, with which Lands or Tenements were used belonging to the late Priory of S. John of Jerusalem, untill they were given to King Henry the eighth by Statute made in the 32 year of his reign. And he who had the Government of any such Manor or House was called the Commander, who had nothing to do to dispose of it, but to the use of the Priory, and to have only his sustenance from it according to his degree, which was usually a Brother of the same Priory; who had been made Knight in the Wars against Infidels; and they were lately called Knights of the Rhodes, or Knights of Malta, of the places where their grand Master did dwell. See the said Statute, and the old Statute intituled *De Templariis*, whose decay was, a great increase of this Order. And many of these Commandries are called in the Country by the name of Temple.

Commendam.

Commendam is a Benefice that, being void, is commended to the care of some sufficient Clerk, to be supplied untill it may be conveniently provided of a Pastor. And the true original

original of these Commendams was either evident profit, or necessity. He to whom the Church is commended hath the fruits and profits thereof only for a certain time, and the nature of the Church is not changed thereby, but is as a thing deposited in the hands of him to whom it is commended, who hath nothing but the Custody thereof, which may be revoked.

Commissary.

Commissary is a title of Ecclesiastical Jurisdiction, appertaining to him that exercises Spiritual Jurisdiction in places of the Diocels so far distant from the chief City, that the Chancellor cannot call the Subjects to the Bishop's principal Consistory without their great trouble. This Commissary is called by the Canonists Commissary, or *Officialis foraneus*; and is ordained to this special end, that he should supply the Office and Jurisdiction of the Bishop in the out-places of the Diocels, or in such Parishes as are peculiar to the Bishop and exempted from the Archdeacon's Jurisdiction: for where by prescription, or by composition, there are Archdeacons; who have Jurisdiction in their Archdeaconries, as in most places they have, there this Commissary is superfluous, and rather to the prejudice than good of the people.

original de ceux *Commendams* fuit ou pur cause de evident utilité, ou nécessité Cestuy a que l'Eglise est comendé ad les fruits & profits de ceo seulement p un certain temps, & le nature del Eglise n'est alter p ceo, mes est sicome un chose deposite en les maines d cestuy a que il est comendé, que nad fors q le Custody de ceo, que poit estre revoke.

Commissary.

Commissary est un nomme de Ecclesiastical Jurisdiction, appartenant a cestuy que exerce Jurisdiction Spiritual en lieux del Diocesse de cy grand distance del principal City, q le Chancellor ne poit appeller les Subjects al chief Consistoire del Eveque sans leur grand molestation. Cest Commissarie est appel p les Canonists *Commissarius*, ou *Officialis foraneus*; & est ordonné a cel special fine, q il executera l'Office & Jurisdiction del Eveq en les Boundedes del Diocels, ou en tiels Paroiches que snt peculiars al Eveque, & exempt del Jurisdiction del Archdeacon: car ou p prescription, ou per composition, la sont Archdeacons que ont Jurisdiction en leur Archdeaconries, sicome en plusieurs lieux ils ont, la cest Commissarie est superfluous, & plus al detriment que al bone des gents.

Com-

Commission.

Commission est tant en le Common Ley come le parol *Delegate* ē l' Civil, & est prise p le Garrant ou Letters Patents que rours homes, ayant jurisdiction, ou ordinarie ou extraordinarie, ont pur leur poyar de oyer ou termīn asc' cause ou action. Uncore cest parol est asc' soit extend plus largeēt que al choses d' Judicature; sicome le *Commission* d' Purveyors ou Prisors, 11 H. 4. c. 28. Mes ovē cest Epitheton *Alt*, il est plus cōmuneēt use p le *Alt-Commission Court*, Institute & foundue sur le Stat. de 1 El. c. 1. p l' ordināce & reformation de rours offences en asc' chose appartenent al Jurisdiction Ecclesiastical, mes especialmēt tiels q' sōt d' plus alt nature, ou al meins requiēt plus grād punishmēt q' ordinarie Jurisdiction poit afford. Veles les Stat. 17 Car. 1. c. 11. & 13 Car. 2. c. 12. p q' l' avāt dit Court est p tout abolie.

Commission de Rebellion.

Commission de Rebellion Gaudemēt appel au *Brief de Rebellion*, est use quant ū hōc apres Proclamation fait p le Viscount, sur ū Ord ou Proses del Chancerie, south pe-

Commission.

Commission is as much in the Common Law as the word *Delegate* in the Civil, and is taken for the Warrant or Letters Patents which all men, using Jurisdiction, either ordinary or extraordinary, have for their power to hear or determine any matter or action. Yet this word sometimes extends more largely then to matters of Judgement; as the *Commission of Purveyors* or *Cabers*, 11 H. 4. c. 28. But with this Epithete *High*, it is most commonly used for the *High-Commission Court*, instituted and founded upon the Stat. of 1 Eliz. c. 1. for the ordering and reforming of all offences in any thing appertaining to the Jurisdiction Ecclesiastical, but especialy such as are of highest nature, or at least require greater punishment then the ordinary Jurisdiction can afford. See the Statutes 17 Car. 1. c. 11. and 13 Car. 2. c. 12. by which the said Court is wholly abolished.

Commission of Rebellion.

Commission of Rebellion, other wise called a *Writ of Rebellion*, is used when a man after Proclamation made by the Sheriff, upon an Order or Process of the Chancery, under pe-

nalty of Allegiance to present himself to the Court by a day certain, appears not. And this Commission is directed by way of command to certain persons, to the end they, three, two, or one of them, shall apprehend or cause to be apprehended the party, as a Rebel and contemner of the Kings Laws, in what place soever they shall find him within the Kingdom, and bring or cause him to be brought to the Court upon a day therein assigned.

nal, y d sō Allegēce a p sent' luy mesme al Court p ū jour certain, ne appiert pas. Et cest Commission est direct per voy de command al certain persons, a fine que ils, ou trois, d ux, ou un de eux, apprehendent ou causont destre apprehend le partie, come un Rebel & contemner de Leys le Roy, en quelcunque lieu que ils luy troveront deins le Royame, & de presenter luy ou luy cause destre present al Court sur un jour en ceo assigne.

Committee.

Committee is he or they to whom the consideration or ordering of any matter is referred, either by some Court, or consent of the parties to whom it appertains: as in Parliament a Bill being read, is either consented unto and passed, or denied, and referred to the consideration of some certain man appointed by the House, who hereupon are called a Committee. But this word is otherwise used by Kitchen. f. 160. where the widow of the Kings Tenant is called the Committee of the King, that is, one committed by the ancient Law of the Land to the Kings care and protection.

Committee.

Committee est celsuy ou ils a que le consideration ou ordinance d asc' chose est refer, ou p ascun Court, ou consent des parties a que il appertient: sicome ē Parliamt un Bill esteant lie, est ou admit & pas, ou denie, ou refer al consideration d asc' certain hōes appoint p le Meason, les queux sur ceo sont appellees un Committee. Mes cest parol est autermēt use p Kitchen, fol. 160. ou le relict del Tenant le Roy est appel le Committee le Roy cest ascavoir, un Cōmise p l' ancient Ley del Terre al care & protection le Roy.

Common.

Common est le droit q̄ home ad de mitter ses Beasts a Pasture, ou de user le terre que n'est son pper soile.

Et nota q̄ sont divers Commons, cest adire, *Common en grosse*, *Common appendant*, *Common appartenant*, & *Common par cause de vicinage*.

Common en grosse est, lou jco, p mon Fair, grant a un auter que il avera Common en ma terre.

Common appendant est, lou home est seise de certaine terre, a que il ad Common en auter soile, solement p ceux beasts que compost la terre a que il est appendant, except Oysons, Chivers, & Porceaux; quel Common est p prescription, & de common droit, & il est appendant al tere arable solement.

Common appartenant est de mesme nature ove Common appendant: mes est ovesq; tous manners des avers, cybien Porceaux & Chivers, come Chival, Vaches, & tiels que compost le terre. Et tiel Common poit estre fait a ceo jour, & seferral del terre a que il est appartenant, mes issint ne poit Common appendant.

Common par cause de vicinage est, lou les Tenants de deux Seigniors sont seises de

Common.

Common is the right that a man hath to put his Beasts to Pasture, or to use the ground that is not his own.

And note that there are divers Commons, that is, *Common in grosse*, *Common appendant*, *Common appartenant*, and *Common because of neighbourhood*.

Common in Gros is, where I, by my Deed, grant to another that he shall have Common in my Land.

Common appendant is, where a man is seised of certain land, to which he hath Common in another ground, only for those beasts which compost the land to which it is appendant, excepting Beesle, Goats, and Hogs; which Common is by prescription, and of common right, and appendant to arable land only.

Common appartenant is of the same nature with *Common appendant*; but with all manner of beasts, as well Hogs and Goats, as Hoxes, Kine, and such as compost the ground. And this Common may be made at this day, and severed from the land to which it is appartenant, but so cannot *Common appendant*.

Common because of neighbourhood is, where the Tenants of two Lords are seised of two

Mannoꝝ adjoynting to each o-
ther; and the Tenants have
time out of mind intercom-
moned each with other with
all manner of beasts common-
able.

Pet the one may not put his
Cattel in the others ground,
foꝛ so they of the other Town
may distrain them Dammiage fe-
sant, oꝛ have an Action of Tres-
passe: but they may put them in-
to their own fields, and if they
stray into the fields of the other
Town, there they ough to suffer
them. And the inhabitants of
the one Town ought not to put
in as many beasts as they wilt,
but with regard to the inhabi-
tants of the ether, foꝛ otherwile
it were no good Neighbourhood,
upon which all this depends.

Common Fine.

Common Fine is a certain
summe of Money which the
Resiants in a Leet pay unto
the Lord of the Leet; and it is
called in some places Head-silver,
in some places Certum Letæ, and
was (as it seems) first granted
to the Lord towards the
charge of his purchase of the
Leet, whereby the Resiants
had now an ease to do their
Suit royal within the Man-
noꝝ, and not be compelled to go
to the Sheriffs Tourn to do it.
And foꝛ this Common Fine
the Lord must prescribe, and
cannot distrain foꝛ it without

deux Seigniories dont l'un
gist ps l'auter, & chescun de
eux ont use de temps dont
memorie ne courr de aver
Common en aut' Ville ovel-
que rours beasts commonable.

Mes l'un ne poit mitter
ses Avers en le terre l'auter,
car la ceux de l'auter Ville
polent eux distraire Dammiage
fesant, ou aver Action de
Trespasse: mes ilseux mitte-
ra en leur camps demesne, &
si ils estray en les câps del aut'
Ville, ils doint eux sufferer.
Et les inhabirâts de l'ũ Villé
ne doient mitter eins beasts
tants cõe ils voile, mes ayant
regard al Frâkerement del in-
habitants de le auter, car aut-
ment il ne serroit bone Vic-
nity, sur que tout depend.

Common Fine.

Common Fine est un cer-
tain sum des deniers q
les Resiants deins un Leet
payont al Sñr del Leet; & est
appel en ascuns lieus *Capita-
gium* vel *Capitale argentum*, en
ascuns lieus *Certum Letæ*, &
fuit al primes (come semble)
grant al Sñr vers le charge de
son purchase del Leet, p que
les Resiants avoyent ore un
aise p faire leur Suit royal
deins l' Manor, & nemy destre
compells d alter al Tourne le
Viscount de faif ceo. Et p cest
Cōmon Fine le Sñr doit pre-
scribe, & ne poit distre n p

ceo sans Prescription, come
appiert en *Godfrey's Case*, en
11 R. p. fo. 44. b.

a prescription, as it appears
in *Godfrey's Case*, in 11. Rep. fo.
44. b.

Common Ley.

Common Law.

Common Ley est p le plus
part prise 3. voyes. Pri-
mermēt, p les Leyes de cest
Realū simply, sans ascū aut'
Ley, cōe Customarie, Civil,
Spiritual, ou quecunque autre
Ley joyne a ceo ; come quant
est dispute en nostre Leyes de
Engleterre, quid doit de droit
estī determine p le Common
Ley, & quid p Spiritual Ley,
ou le Court del Admiral, ou
tielx semblables.

Secundariū, il est pris p
les Courts le Roy, come le
Bank le Roy, ou Common Place,
tātoleū p monstre un dif-
ference perent'eux & les base
Courts ; come Customary
Courts, Court-Barons, County
Courts, Pipowders, & tielx
semblables : come quant un
Plee de terre est remove hors
de anciēt Demesne, p ceo que
le terre est Frank-fee, & plead-
able al Common Ley, cest
adire, en le Court le Roy, &
nemy en ancient Demesne, ou
en ascun aut' base Court.

Tiercesmēt, & pluis usualmēt,
p *Common Ley* est entē due ti-
elx Leyes q fueront generalmēt
prise & tenus p Ley devant q
asc' Stat. fuit fait p al' ceo :
cōe p example, Tenant p vie,
de p ans, ne fueront deslire

Common Law is for the most
part taken thre ways. First,
for the Lawes of this Realm
simply, without any other
Law, as Customary, Civil,
Spiritual, or whateber other
Law joyned to it ; as when it is
disputed in our Lawes of Eng-
land, what ought of right to be
determined by the Common
Law, and what by the Spirit-
ual Law, or Admirals Court,
or such like.

Secondly, it is taken for the
Kings Courts, as the Kings
Bench, or Common Place,
only to shew a difference be-
tween them and base Courts ;
as Customary Courts, Courts-
Barons, County Courts, Pi-
powders, and such like : as when
a Plea of land is removed out of
ancient Demesne, because the
land is Frank-fee, and plead-
able at the Common Law,
that is to say, in the Kings
Court, and not in ancient
Demesne, or in any other base
Court.

Thirdly, and most usually, by
Common Law is understood such
Lawes as were generally taken
and holden for Law before any
Statute was made to alter the
same : as for example, Tenant
for life, nor for years, were not

to be punished for doing Waste at the common Law, till the Statute of Gloucester cap. 5. which gives an Action of Waste against them. But Tenant by the courtesie and Tenant in dower were punishable for Waste at the Common Law, that is, by the usual and common received Laws of the Realm, before the said Statute was made.

punish p̄ fefans Wast al Common Ley, tanq̄ le Statute de Glouc.c. 5. le quel don̄ ū Action de Wast envers eux. Mes Tenant p̄ le courtesie & Tenant en dower furent punishable pur Wast al Common Ley, cest adire, per le usual & common received Leys le Realm, devant le dit Statute fuit fait.

Common Pleas.

Common Pleas.

Common Pleas is the Kings Court now held in Westminster-Hall, but in ancient time moveable, as appears by Magna Charta, cap. 11.

But Gwyn, in the Preface to his Reading, saith, That until the time that Henry the third granted the Great Charter, there were but two Courts, only called the Kings Courts, the Exchequer, and Kings Bench which was called Aula Regia, because it followed the Court; and that upon the grant of that Charter the Court of Common Pleas was erected and settled in a place certain, viz. at Westminster; and therefore all the Writs were made with this Return, Quid sit coram Justiciariis meis apud Westmonasteriū, where before the partie was commanded by them to appear coram Me vel Justiciariis meis, without any addition of any place certain.

Common Pleas est le Court le Roy jâmes tenu en le Sale de Westminster, mes en ancient tēps moveable, si-cōe appiert p̄ Mag.Char.c. 11.

Mes Gwyn, en le Preface a son Lecture, dit, Que jelsque le temps que Henry le tierce grant le Grand Charter, la fuer forsq̄ deux Courts sole-m̄t appel les Courts le Roy, de que ū fuit l'Eschequer, & l'auter le Banke le Roy, quel fuit appel auxly Aula Regia, p̄ ceo que el ensue le Court; & q̄ sur le grant de cel Chart' le Court d̄ Common Plees fuit erect & settle ē un lieu certain viz. al Westminster; & p̄ ceo routs les Briefs fueront faits ove cest Returne, Quod sit coram Justiciariis meis apud Westmonasteriū, ou devant le party fuit command per eux de appearer coram Me vel Justiciariis meis, sans aucun addition de aucun lieu certain.

Touts Civil causes, cybien
Real come Personal, sont, ou
sueront è ancien temps, trye
en cest Court, accordant al
strict Ley del Royalm: Et p
Fortescue, cap. 30. il semble
daver esse le sole Court pur
Real Causes. Le primer Judge
de ceo est appelle *Seignior*
Chiefe Justice del Common
Reis, accompany ove troi
ou quater Assistants ou As
sociates, que sont create per
Lettres Patents del Roy, & fi
come soit enstalle ou place sur
le Bank p le Seignior Chan
cellor & Seignior Chiefe
Justice del Court, come ap
piert p *Fortescue* ca. 31.
que expresse tous les cir
cumstances de cel Admis
sion.

Le residue des Officers appartenant a cel Court sont ceux ; Le *Custos Breuium*, trois Prothonotaries, Chirographer, dix quater Philasers, quater Exigentes, Clerk des Garrants, Clerk des Juries, Clerk del Treasury, Clerk de Argent le Roy, Clerk des Essoines, Clerk des Utlagaries.

Common jour en plee
de terre.

Common jour en plee de terre, Anno 13 R. 2. Stat. 1 cap. 17. signifie un ordinarie jour en le Court, come

All Civil causes, as well Real as Personal, are, or were in ancient time, tried in this Court, according to the strict Law of the Kingdom: And by Fortescue, cap. 50. it seems to have been the only Court for Real Causes. The chief Judge thereof is called The Lord chief Justice of the Common pleas, accompanied with three or four Assistants or Associates, who are created by the Kings Letters Patents, and as it were installed or placed upon the Bench by the Lord Chancellor and Lord Chief Justice of the Court, as appears by Fortescue, cap. 51. who expresses all the circumstances of this Admis-

The rest of the Officers ap-
pertaining to this Court are
these: The Custos Brevium, three
Prothonotaries, Chirographer,
fourteen Philasters, four Ex-
igenters, Clerk of the War-
rants, Clerk of the Juries,
Clerk of the Treasure, Clerk
of the Kings Silver, Clerk
of the Exchequer, Clerk of the
Duties.

Common day in plea
of land.

Common day in plea of land,
 Anno 13 R. 2. Stat. 1. cap.
 17. signifies an ordinary day
 in the Court, as Octabis Mi-

Michaelis, Quindena Pasche, &c. as you may see in the Statute 1 Hen. 3. concerning general days in the Bench.

Ostabis Michaelis, Quindena Pasche, &c. come poies veier en le Statute 1 Hen. 3. concernant gener. l jours en le Bank.

Commotes.

Commotes.

Commotes seems to be a compound word, of the Preposition *Con*, and *Motio*, that is, *Dictio*, *Verbum*, and signifies in Wales part of a County or Hundred, An. 28 H. 8. cap. 3. It is written Commotthes, Anno 4 H. 4. cap. 17. and is used for a Gathering made upon the people of this or that Hundred by Welsh Minstrels.

Commotes semble desirer un parol composé, del Preposition *Con*, & *Motio*, i. e. *Dictio Verbum*, & signifie en *Gales* le part dun Countee ou Hundred, Anno 28 H. cap. 3. Il est ecrie *Commoithes*, An. 4. H. 4. ca. 17. & est use pur un Colleccion fait sur les gens de ceo or cest Hundred p Minstrels de *Gales*.

Communi Custodia.

Communi Custodia.

Communi Custodia is a Ward which didlie for that Lord, whose Tenant holding by Knights service dies, his eldest son within age, against a stranger who entered the land, and obtained the Ward of the body. It seems to take name from the common Custome or right in this case, which is, That the Lord shall have the Wardship of his Tenant until his full age; or because that it is common for the recovery both of the Land and Tenant, as appears by the form thereof, Old N. B. 89. Regist. Orig. 161.

Communi custodia est un Brief que gisoit pur cel Seignior, le Tenant de quel reindrant par service de Chivaler morust, son eigne fils deins age, envers un estranger, que enter le terre, & obtaine le Gard del Corps. Il semble de prendre le nomme del common Custome ou droit en ceo case, que est, Que le Seignior avera le Gard de son Tenant jesque son pleine age; ou p ceo, que est common pur recoverie dl Terré & Tenant, come appiert p le forme de ceo, *Vill N.B. 89. Regist. Orig. 161.*

Compromise.

Compromise est un mutual Promise de deux ou plusieurs parties que sont al controverſie, pur ſubmitter eux meſmes & tous differēces ent' eux al Agard, Arbitremēt, ou Judgmēt d'un ou pluſors Arbitrators, ent'eux indifferement eſſi-u, p' determiner & adjudger des tous matt's reſeries, & ſur que les parties differont.

Computation.

Computation eſt uſe en le Common Ley pur le voyer & indifferēt Conſtruction de temps, iſſint que ne le un partie ſerra tort al auter, ne le determination de termes. reſerē a large, deſte priſe un voy ou auter, mes compute accordant al droitur al censure de la Ley.

Come ſi Indentures de Demiſſe ſont Ingroſſe, portont date le uniſme jour de May, 1664. de aver & tener le terre en S. pur trois ans de ceſt temps, & les Indentures ſont deliver le quart jour de June en le an avantdit: En ceſt caſe, de ceſt temps, ſerra account del jour del Deliverie des Indentures, & nemy paſe' computation del Date. Et ſi le dit Indenture ſoit de-

Compromise.

Compromise is a mutual Promise of two or more parties that are at controverſie, to ſubmit themſelves and all differences between them unto the Award, Arbitrement, or Judgment of one or more Arbitrators, indifferently choſen between them, to determine and adjudge upon all matters referred, and upon which the parties differ.

Computation.

Computation is uſed in the Common Law for the true and indifferēt Conſtruction of time, ſo that neither the one party ſhall do wrong to the other, nor the determination of times, referred at large, be taken one way or other, but computed according to the juſt censure of the Law.

As if Indentures of Demiſſe are ingroſſed, bearing date the eleventh day of May, 1664. to have and to hold the land in S. for three years from henceſorth, and the Indentures are delivered the fourth day of June in the year aforeſaid: In this caſe, from henceſorth, ſhall be accounted from the day of the Delivery of the Indentures, and not by any computation from the Date. And if the ſaid Inden-

Indenture be delibered at four of the clock in the afternoon of the said fourth day, this Lease shall end the third day of June in the third year; for the Law in this Computation rejects all fractions or divisions of the day, for the incertainty, which alwayes is the Mother of contention. So where the Statute of Inrollments made Anno 27 Henr. 8. cap. 16. is, That the Writings shall be inrolled within six moneths after the Date of the same Writings indented; if such Writings have Date, the six months shall be accounted from the Date, and not from the Delibery; but if they want Date, then it shall be accounted from the Delibery. Co. li. 5. fol. 1.

If any Deed be shewed to a Court at Westminster, the Deed by Judgment of the Law shall remain in Court all the Term in which it is shewed; for all the Term in Law is but one day. Co. lib. 5. fol. 74.

If a Church be void, and the true Patron doth not present within six months, then the Bishop of the Diocess may collate his Chaplain: but these six months shall not be computed according to 28 days to the month, but according to the Kalender. And there is great diversity in our common speech in the singular number, as a Twelve-moneth, which in-

liver al quart de la horologe puls meridie le dit quart jour, cest Leas finiera le tierce jour de *June* en le tierce an; car la Ley en cest Computation rejecte tous fractions ou divisions del jour, pur le incertainty, que tous soits est le mere de contention. Issint ou le Statute de Enrolments fait Anno 27 Henr. 8. cap. 16. est, Que les Escripts seront inrolle deins six moyses apres le Date de mesme les Escripts indente, si riels Escripts ont Date, les six moyses seront account del Date, & nemy del Deliverie: mes si fault Date, donque il serra account del Deliverie. *Coke li. 5. fol. 1.*

Si aucun Fait est monstre a un Court al *westminster*, le Fait per Judgement del Ley remain en Court tout le Terme en que ceo est monstre; car tout le Term en Ley nest que un jour. *Coke l. 5. f. 74.*

Si un Eglise happa void, & le veray Patron ne presenta deins six moyses, donques le Evesque del Dioces poit collate son Chaplein: mes ceux six moyses ne serra account accordant al vine huit jours al moyses, mes accordant al Kalend. Et la est grand diversite en nostre common parlance en le singular nombre; come un

Twelve-

Twelve-month, que enclue tout lan solonq le Kalendar, & *Twelve-months*, que serra compute solonque vint huit jours a chescun moies. Veies *co. l. 6. f. 61. b.*

cludes all the Year, according to the Kalendar, and twelve-months, which shall be computed according to 28 days to every month. See Coke lib. 6. f. 61. b.

Computo.

Computo est un Brief issint Cappel del effect. pur ceo q il enforce un Bailif, Châberlain, ou Receiver, a render son Account. *Veil N. B. f. 58.* Il est foundue sur le Statute de *West. 2. c. 2.* le quel pour vostre mieux intelligence vous poyes lier. Et il auxy gist p Executors de Executors. 15 Ed. 3. Stat. de Provis. *Viſtual. cap. 5.* Tiercemēt, envers le Gardein en Socage, pur Wast fait en le minority del Heir, *Marl. cap. 17.* Et veles plus en queux auters cases il gist, *Reg. Orig. f. 135: Veil N. B. f. 58. & F. N. B. 116.*

Computo is a writ so called of the effect, because it compells a Bailiff, Chamberlain, or Receiver, to yield his Account, Old Nat. Brev. fol. 58. It is founded upon the Statute of *Westm. 2. cap. 2.* which you may for your better understanding read. And it also lies for Executors of Executors, 15 Ed. 3. Stat. de Provis. *Viſtual. cap. 5.* Thirdly, against the Guardian in Socage, for Waste made in the Minority of the Heir, *Malbr. cap. 17.* And see farther in what other cases it lies, *Reg. Orig. fol. 135. Old N. B. fol. 58. & F. N. B. fol. 116.*

Concealers.

Concealers sont tiels q trouvent terres conceal, ceo est, tiels terres q sont privimēt detein del Roy per common persons, ne ayant pas ascū chose de monstre p eux, *An. 39 El. c. 22.* Ils sont issint appel a *concelando*, comē *Mors a moriendo*, p *Antiphrasin*.

Concealers are such as find out lands concealed, that is, such lands as are secretly detained from the King by common persons, having nothing to shew for them, *Anno 39 Eliz. cap. 22.* They are so called a *concelando*, as *Mors a moriendo*, by *Antiphrasis*.

Concealers.

Conclusion.

Conclusion.

Conclusion is, when a man by his own act upon record hath charged himself with a Duty or other thing: As if a free-man confesse himself to be the Willain of A. upon record, and afterwards A. takes his goods, he shall be concluded to say in any Action or Plea afterwards that he is free, by reason of his own confession. So if the Sheriff, upon a Capias to him directed, returns that he hath taken the body, and yet hath not the body in Court at the day of the Return, he shall be amerced: and if it were upon a Capias ad satisfac', the Plaintiff may have his Action against the Sheriff for the Escape; for by such Return the Sheriff hath concluded himself.

And this word Conclusion is taken in another sense, as for the End or later part of any Declaration, Barre, Replication, &c. As where to the Barre there ought to be a Replication, the Conclusion of his Plea shall be, And this he is ready to affirm. If in Dower the Tenant pleads, that he was never seised so as to render Dower, the Conclusion shall be, and upon this he puts himself upon the Country. And in what manner the Conclusion shall be according to the nature of several Actions, See Kitch. f. 219, 220, &c.

Conclusion est, quant home p son fait demesne sur record ad charge luy m'ove aucun Duty ou autre chose; Cōe si home que est frank confesse luy m' destir Villain de A. sur record, & aps A. prist ses biens, il serra conclude adire ē ascū Action ou Plea en aps que il est frank, per reason de son confession demesne. Issint si le Viscount, sur un Capias a luy direct, return quod cepit corpus, & uncore nad le corps ē Court al jour del Return, ill serra amerceie: & fil fuist sur un Capias ad satisfaciend', le Plaintiff poit aver son Action envers le Viscount pur le Escape; car per tiel Return le Viscount ad conclude luy mesme.

Et cest parol Conclusion est prist en un autre sens, cōe p le Fine ou darrein pt de aucun Declaration, Barre, Replication, &c. Come ou al Barre covient estre un Replication, le Conclusion de son Plea serra, Et hoc paratus est verificare. Si en Dower le Tenant pleada, Ne unques seisie que Dower doit render, le Conclusion serra, Et de hoc ponit se super Patriam. Et en quel manner le Conclusion serra accordant al nature des several Actions, veles Kitch. f. 219, 220, &c.

Concord

Concord.

Concord est define desire le voyer Agre. mēt ent' parties que entendent le levying d'un Fine de Terres un al auter, quel voy & en quel manner les Terres serront passe: car en le form' de ceo plusors choses sont desire cōsider. *Vide west. part. 2. tit. Fines & Concordes, sect. 30.*

Concord est auxy un Agreemēt fait sur ascun Trespasse commit perent' deux ou plusors, & est divide en un Concord Executorie, & Execute. *Vid. Plow. Casu Reniger & Fogasse, fo. 5, & 6.* ou il appear' p le opinion d'ascuns, Que l'un ne lia pas, come esteant defective; l'aut', esteant absolute, oblige le parties. Et uncore p le opinion de auters, en mē le case, il est affirm, Que Concordes Executorie sont perfect, & ne meynes l'heront pas q Concordes Executed, *fol. 8. b.*

Est reign de tardiff temps, q̄ entant que actions sur assumpstis sont ore en use queux fueront rare devant le reign de Roy H. 8. que ou un accord ove un assumpst sur quel un action gist est bone plea en tous ceux actions, a queux ceo devant fuit bone plea si fuit execute.

Concord.

Concord is defined to be the very Agreement between parties that intend the levying a Fine of Lands one to another, howand in what manner the Lands shall be passed; for in the form thereof many things are to be considered. See West. part 2. tit. Fines & Concordes, sect. 30.

Concord is also an Agreement made upon any Trespass committed between two or more, and is divided into a Concord Executory, and Executed. See Plowd. in Reniger and Fogasse's Case, fol. 5, & 6. where it appears by the opinion of some, That the one doth not bind, as being imperfect; the other, being absolute, binds the parties. And yet by the opinion of others, in the same case, it is affirmed, That Concordes Executory are perfect, and do no less bind then Concordes Executed, *fol. 8. b.*

It is lately held, that in as much as Actions on assumpstis are now in use, which were rarely before the reign of King H. 8. that now an accord with an Assumpst upon which an Action lyes is a good plea in all those Actions to which it was formerly a good plea if executed.

Con-

Concubinage.

Concubinage is an Excepti-
on against her that brings
an Action for her Dowry,
whereby it is alledged, That
she was not lawfully married
to the party in whose lands she
seeks to be endowed, but his
Concubine. Brit. cap. 107. Bract,
lib. 4. tract. 6. cap. 8.

Concubinage.

Concubinage est un Exce-
ption vers luy q̄ port A-
ction pur sa Dowry, p̄ q̄ il est
alledge, Que el ne fust loy-
alement espouse al partie en
queux terres el quere desfr
endowe, mes son Concubine.
Brit. cap. 107. Bract. li. 4.
tract. 6. cap. 8.

Conders.

Conders.

Conders are those that stand
upon high places near the
Sea-coast, at the time of
Herring-fishing, to make signs
with boughs, &c. in their
hands to the Fishers, which
way the Schole of Herrings
passes: for they who stand
upon some high Cliffe may
see it better then those that are
in their Ships. These are o-
therwise called Huers and Balk-
ers, as appears by the Statute
of 1 Jac. cap. 23.

Conders sont tiels q̄ estoient
sur les alt lieux prochain
al coast del Mere, al tēps del
piscary p̄ Haleques, a faire
signes ove ramaus, &c. en
leur maines al Piscarers, quel
voy le troupe des Haleques
passont; car ils q̄ estoiant sur
ascun alt Petre poyent ceo
mieux veier q̄ tiels que sont
en leur Neifes. Ceux sont
auterment appel Huers &
Balkers, come appiert p̄ le
Statute de 1 Jac. cap. 23.

Condition.

Condition.

Condition is a Restraint or
Bridle annexed to a thing,
so that by the not performance,
or not doing of it, the party to
the Condition shall receive pre-
judice and loss, and by the per-
formance and doing of it, com-
modity and advantage.

Condition est un Restraint
ou Bridle annex al chose,
issint q̄ p̄ le non pformance,
ou sealans de ceo, le partie al
Condition recevra preju-
dice & perde, & per le per-
formance & fair de ceo, com-
moditie & advantage.

Tous

Touts Conditions sont ou Conditions actual & expresse, qux sont appel Conditions en Fait; ou ils sont implicit ou tacit, & nient expresse. les queux sont Conditions en Ley.

Auxy tous Conditions sont ou Conditions precedent & vaient devant l'Estate, & sont executed; ou subsequent & venient apres l'Estate, & executorie.

Le Condition precedent gain & obtain le chose ou Estate fait sur Condition, p le p-formance de le Condition.

Le Condition subsequent garde & continue le chose ou Estate fait sur Condition, per le performance del yeel.

Actual & expresse Condition, q est appelle un Condition en Fait, est un Condition annexe per expresse parols a Feoffment, Lease, ou Grant, ou e escript, ou sans escript; Si come jco enfeoffe un hoe e terres, reservant Rent desfre payed a tiel Feast, sur Condition, que si le Feoffee faile de payment al jour donques il serra loyal pur moy de re-enter.

Condition implicate ou tacite est, quant hoe graunt al aur le Office desfre Garde in d un Park, Seneschal, Bedle, Bailif, ou tiels semblables, p terme de vie: & nient obstant que la ne soit aucun Condition expresse en le Grant, uncor le Ley parle covertment d un Condition, quel est, Que

All Conditions are either Conditions actual and expresse, which are called Conditions in Deed; or else implied or covert, and not expresse, which are Conditions in Law.

Also all Conditions are either Conditions precedent and going before the Estate, and are executed; or else subsequent and following after the Estate, and executory.

Condition precedent both get and gain the thing or Estate made upon Condition, by the performance of it.

Condition subsequent keeps and continues the thing or Estate made upon Condition, by the performance of it.

Actual and expresse Condition, which is called a Condition in Deed, is a Condition annexed by expresse words to the Feoffment, Lease, or Grant, either in writing, or without writing: As if I infeoff a man in lands, reserving a Rent to be paid at such a Feast, upon Condition, that if the Feoffee fail of payment at the day, then it shall be lawfull for me to re-enter.

Condition implied or covert is, when a man grants to another the Office to be Keeper of a Park, Steward, Bedle, Bayliff, or such like, for term of life; and though there be no Condition at all expresse in the Grant, yet the Law speaks covertly of a Condition, which is, That if the Grantee

Grantee doth not execute all points appertaining to his Office, by himself or his sufficient Deputy, then it shall be lawfull for the Grantor to enter, and discharge him of his Office.

Condition precedent is, when a Lease is made to one for life, upon Condition, That if the Lessee will pay to the Lessor xx. li. at such a day, then he shall have Fee-simple: here the Condition precedes the Estate in Fee-simple, and upon the performance of the Condition doth gain the Fee-simple.

Condition subsequent, and coming after, is, when one grants to J. S. his Manor of Dale in Fee-simple, upon Condition, That the Grantee shall pay to him at such a day xx. li. or else that his Estate shall cease: here the Condition is subsequent and following the Estate in Fee, and upon the performance thereof doth continue the Estate.

See more of this in Cok. lib. 3. fol. 64. and in Lit. li. 3. cap. 5. and Perkins in the last Title of Conditions.

si le Grantee ne execute pas tous points appertaignont a son Office, per luy mesme ou son sufficient Deputy, donq, serra loy.al pur le Grantor de ent', & discharge luy de son Office.

Condition precedent est, qu' un Lease est fait al un pur vie, sur Condition, Que si le Lessee voyle payer al Lessor xx. li. a tiel jour, donques il avera Fee-simple: icy le Condition precede l' Estate en Fee-simple, & sur le performance de Condition gain Fee simple.

Condition subsequent, & veniens apres, est, quant un grant a J. S. son Manor de Dale en Fee-simple, sur Condition, Que le Graunttee payer a luy a tiel jour xx. l. ou autrement que son Estate cessera: icy le Condition est subsequent & ensuant le Estate en fee, & sur le performance d' ycel continue l' Estate. Veles pluiz de ceo en Cok. li. 3. fo. 64. & en Lit. li. 3. cap. 5. & Perkins Titulo ultimo d' Conditions.

Confederacy.

Confederacy is, when two or more confederate themselves to do any hurt or damages to another, or to do any unlawfull thing. And though a Wit of Conspiracy doth not lie, if the party

Confederacy.

Confederacy est, quant deux ou plusors luy mesmes confedre de faisr ascū male ou damage al autre, ou de faire ascū chose illoyal. Et coment q̄ B̄ de Conspiracy ne gist, sinon q̄ le prie soit endite, & en

en loyal manner acquite, car
 issint sont les pòls del Breve;
 uncore faux Confederacie
 inter divers persons serf pu-
 nie, cõit que nul chose soit
 mise en ure: & ceo appiert
 p le Livre de 27 Affis. pla.
 44. ou la est un note, Que
 deux fueront endire de Con-
 federacie, chescun de eux a
 mainta'n auter, le q̄ lour mei-
 stre soit veray ou faux; &
 nient obstant que nul chose
 fait suppose destre mise en
 ure, les parties fueront mis a
 responder, pur ceo que cẽ
 chose est defendue en la Ley.
 Hsint en le prochain Article
 en m le Livre, Enquirie serf
 fait de Cõspiratois & Confe-
 deratois, q̄ soy enter eux illi-
 cõt, &c. de fauxemẽt endit'
 ou acquit', &c. le mander
 del alliance, & ent' queux: q̄l
 pve auxy, que confederacie
 de enditor ou acquit', cõt
 que rien soit execute, est pu-
 nishable p la Ley. Et est desir
 observe, que ceux Confede-
 racies punishable p Ley de-
 vant que il's sont execute, co-
 vient de aver quater inci-
 dents; Primerment, estre de-
 clare p ascun matter de p-
 secutiõ, cõe p fasant de Bõds
 ou Promises l'un al aut'; se-
 condermẽt, estre malicious, cõe
 pur unjust Revenge; tierce-
 ment, estre faux encont' un
 innocent; & derniermẽt, estre
 hors de Court, voluntarimẽt.

be not indicted, and in law-
 full manner acquitted, for
 so are the words of the writ;
 yet false Confederacy betwene
 divers persons shall be punish-
 ed, though nothing be put in
 ure: and this appears by the
 Book of 27 Affis. placit. 44.
 where there is a note, That
 two were indicted of Confe-
 deracy, each of them to main-
 tain other, whether their mat-
 ter were true or false, and
 though nothing was supposed
 to be put in use, the parties
 were put to answer, because
 this thing is forbidden in the
 Law. So in the next Article
 in the same Book, Enquiry
 shall be made of Conspirators
 and Confederators, which bind
 themselves together, &c. falsly
 to endite or acquit, &c. the man-
 ner of their binding, and be-
 twene whom: which probes
 also, that Confederacy to in-
 dite or acquit, although no-
 thing be done, is punishable by
 the Law. And it is to be ob-
 served, that this Confederacy
 punishable by Law before it
 be executed, ought to have four
 incidents: first, to be de-
 clared by some matter of pro-
 secution, as by making of
 Bonds or Promises the one to
 the other; secondly, to be mali-
 cious, or for unjust Revenge;
 thirdly, to be false against an
 innocent; and lastly, to be out
 of Court, voluntarily.

Confession of Offence.

Confession of Offence is, when a prisoner is appealed, or indicted of Treason or Felony, and brought to the Bar to be arraigned, and his Indictment is read unto him, and he is demanded by the Court what he can say thereto; then either he confesses the Offence and the Indictment to be true, or he estranges himself from the Offence, and pleads not guilty, or else gives an indirect answer, and so in effect stands mute.

Confession may be made in two sorts, and to two several ends. The one is, he may confess the offence whereof he is indicted openly in the Court before the Judge, and submit himself to the censure and judgement of the Law: which Confession is the most certain answer and best satisfaction that may be given to the Judge to condemn the Offendor, so that it proceeds freely and of his own accord, without any threats, force, or extremity used; for if the Confession arise from any of these causes, it ought not to be recorded. As a woman was indicted for the felonious taking of Bread to the value of two shillings, and being thereof arraigned, she confessed the Fe-

Confession del Offence.

Confession del Offence est, quant un prisoner est appeal ou indite de Treason ou Felonie, & trahe al Barre desti arraigne, & son Indictment est lie a luy, & il est demandé per le Court que il voyle dire a ceo; donq, ou il confesse le Offence & le Endicement destre voyer, ou il estrange luy m del Offence, & plede Nient culpable, ou autrement done un indirect respons, & issint en effect estoia mute.

Confession poit estre fait en deux sorts, & a deux several fines. L'un est, il poit Confesse le Offence de que il est indict appliement en le Court devant le Judge, & submit luy mesme al censure & judgement de Ley; quel Confession est le plus certain respons & meux satisfaction que poit estre deliver al Judge a condamner le Offendor, issint q il proceda frankment & de son volunt demesne, sans aucun menace, force, ou extremite use; car si le Confession surde de aucun de ceux causes, il ne dolt estre recorder. Come feme fuit indict pur le felonious embleer de Pane al value de 2 s. & escant de ceo arraigne, el confesse le Felonie

lonie, & dit que el ceo fait p le commandemēt d sa Baron; & les Judges en compassion ne voillent recorder la Confession, mes cause luy le pleader Non culpable al Felonie: sur que le Jurie trove que el emblee le Pane per le compulsion de sa Baron encounter sa volunr, p r quel meistre el fuit discharge. 27 Aff. pl. 50.

L' autre sort de *Confession* est, quant le prisoner confesse l' Endictmēt destre voyer, & q il ad commit le Offence de q il est endict, & donq devient un Approver cest adire, un Accuser de auters queux ont commit m le Offence de q il est endict, ou auters offences ove luy; & donq pria le Judge daver un Coroner assigne a luy, a que il poit faire relation de ceux Offences, & del pleine circonstances de eux.

La est auxy un tierce sort d *Confession* fait p un Offendor en Felonie, q nest en Court devant le Judge, come l' auters deux sont, mes devant l' Coroner en un Esglise ou aut' lieu privileged, sur que l' Offendor p l' ancient Ley del Roialm est de faire son abjuration hors del Roialme.

long, and said, that she did it by the commandment of her husband; and the Judges in pity would not record her Confession, but caused her to plead Not guilty to the Felony: whereupon the Jury found, that she stole the Bread by the compulsion of her husband against her will, for which cause she was discharged. 27 Affil. pla. 50.

The other kind of Confession is, when the prisoner confesses the Indictment to be true, and that he hath committed the Offence whereof he is indicted, and then becomes an Approver, that is, an Accuser of others who have committed the same Offence whereof he is indicted, or other Offences with him; and then prays the Judge to have a Coroner assigned him, to whom he may make relation of those Offences, and the full circumstances thereof.

There is also a third kind of Confession made by an Offendor in Felony, which is not in Court before the Judge, as the other two are, but before a Coroner in a Church or other privileged place, upon which the Offendor by the ancient Law of the Realm is to abjure the Realm.

Confirmation.

Confirmation is, when one who hath right to any Lands or Tenements makes a Deed to another who hath the possession of some Estate, with these words, Ratificasse, Approbasse, Confirmasse, with intent to enlarge his Estate, or make his possession perfect, and not defensible by him that makes the Confirmation, nor by any other that may have his right.

Whereof see more in Littl. l. 3. cap. 9. of Confirmation.

Confiscate.

Confiscate is derived from the Latine Fiscus, which originally signifies a Hamper or Basket, but metonymically the Princes Treasure, because in ancient time it was put in the Hampers or Baskets. And though our King doth not put his Treasure in such things, yet as the Romans have said, that such goods as were forfeited to the Emperors Treasury were *Bona Confiscata*, in like manner do we say of such goods as are forfeited to the Kings Exchequer. And the title to have these goods is given to the King by the Law, when they are not claimed by some other: As if

Confirmation.

Confirmation est, quant un que avoit droit al aucun Terres ou Tenements fait un Fait a un autre que voit ent le possession ou aucun estate, ovesque ceux parolx, Ratificasse, Approbasse, Confirmasse, ove entent de enlarger son estate, ou faire son possession pfect, & n'ier defensible p luy que fait le Confirmation, ne p aucun autre q poit aveigner a son droit.

Dont veies plus en Lit. lib. 3. cap. 9. de Confirmation.

Confiscate.

Confiscate, cest parol est prise del Latin pol *Fiscus*, que originalment signifie un Hanap ou Fralle, mes p implication le Treasure del Sovereigne, p ceo q'en yeiel temps il fuit mis en Hanaps ou Fralles. Et nient obstant que nostre Roy ne mis son Treasure en tiels choses, uncore cōe les *Romans* ont dit, que tiels biens q fueront forfeit al Treasure del Emperour esteant *Bona Confiscata* en mesme le manner nous dioms de tiels biens que sont forfeit al Eschequer de nostre Roy. Et le title de aver ceux biens est done al Roy p le Ley, quant ils ne sont

N a claimé

clame p aucun aut'; Come si home soit indite, q il felony-ousmēt emblee les biens dun aut' home, lou en verité ils sont les pper biens l'enditee, & ils sont mis en Court vers luy come maneur, & la demād est de luy, que il dit as dires biens; as queux il disclayma: per cel Disclaimer il perdra les biens, coment que apres ils soit acquite del Felonie, & le Roy eux avera come confisq. Mes autrement est, sil ne disclayma en eux.

Mesm le Ley est ou biens sont troves en le possession dun Laron, queux il disavowa, & puis est atteint de aut's biens, & nemy de ceux; icy les biens queux il disavowa sont al Roy confisques: Mes usloit il atteint de mesmes les biens, ils seroient aver este appellees *forfeits*, & nemy *confisques*, nient obstant son Disavowment. Issint si Appeal de Robberie soit port, & le Plaintiff interlessa aucun de ses biens, il ne serra receive de enlarger son Appeale; & entant que nul est icy daver les biens issint interlessée, le Roy eux avera come confisque, accordant al vell dit, *Quod non capit Christus, capit Fiscus*. Et come en le case avantdit le Ley punle l'owner p son negligence ou connivencie, issint le Ley abhorre malice, en querance

a man be indicted, that he feloniously stole the goods of another man, where in truth they are the proper goods of him indicted, and they are brought in Court against him as the manner, and he there asked what he says to the said goods; to which he disclaims: by this Disclaimer he shall lose the goods, although that afterwards he be acquitted of the felony, and the King shall have them as confiscated. But otherwise it is, if he doth not disclaim them.

The same Law is where goods are found in the felons possession, which he disavows, and afterwards is attainted of other goods, and not of them; there the goods which he disavows are confiscate to the King: But had he been attainted of the same goods, they should have been said to be forfeited, and not confiscate, notwithstanding his Disavowment. So if an Appeal of Robbery be brought, and the Plaintiff leaves out some of his goods, he shall not be received to enlarge his Appeal; and forasmuch as there is none to have the goods so left out, the King shall have them as confiscate, according to the old rule, *Quod non capit Christus, capit Fiscus*. And as in the case aforesaid the Law punishes the owner for his negligence and connivency, so the Law abhors malice, in seeking the blood of any with-
out

out just cause. And therefore if A. hath the goods of B. by delivery, or finding, and B. brings an Appeal against A. for taking them feloniously, and it is found that they were the Plaintiffs goods, and that the Defendant came lawfully by them; in this case these goods are confiscated to the King, because of the false and malicious Appeal.

Congeable.

Congeable comes of the French word *Conge*, id est, *venia*, and signifies in our Common Law as much as Lawfull, or lawfully done; and so Littleton uses it in his 410. sect. where he says, that the Entry of the Disseise is Congeable.

Conge d' eslire.

Conge d' eslire (i. Leave to chuse, or Power of chusing) is the Kings Royal Permission to any Dean and Chapter in time of Vacancy to chuse a Bishop; or to an Abbey or Priory of his own foundation, to chuse their Abbot or Prior. *Fitzh. Nat. Brev. fol. 169. b. 170. b. c. &c.* *Walter Gwin* in the Preface to his *Readings* saith, That the King of England, as Sovereign Patron of all Archbishopricks, Bishopricks, and other Ecclesiastical Benefices, had of ancient time free disposition of all Eccle-

le sanke d' aucun sans just cause. Et p' ceo si A. ad l' biens de B. p' bailment, ou trover, & B. port Appale vers A. p' prendre eux feloniously, & est trove q' eux fueront les biens le Plaintiff, & que le Defendant vient a ceux loyallyment; en cest case ceux biens serroẽt confisque al Roy p' le faux & malicious Appale.

Congeable.

Congeable veigne del poi Francois *Conge*, id est, *venia*, & signifie en nre Cõmon Ley tant come Loyal, ou loyallyment fait; & ainsi est use p' Littleton en son 410. sect. lou il dit q' l' Entry del Disseise est congeable.

Conge de Eslire.

Conge de eslire, *Venia eligendi*, est le Permission Royal de Roy a s'c' Deane & Chapter ẽ temps de Vacation d' eslire un Eveq', ou a un Abbey ou Priorie d' son foundation demesme, d' eslire leur Abbot ou Prior. *Fitzh. Nat. Brev. fol. 169. b. 170. b. c. &c.* *Monseigneur Gwyn* ẽ le Preface a ses Lectures dit, Que le Roy d' Angleterre, come Sovereign Patron d' tous Archieuesques, Evesques, & aurs Benefices Ecclesiastical, ad de ancient temps frank dispositi-

ou de tous Dignities Ecclesiastical, oucunque ils happa deſtre void, Inveſtant eux premierment *per baculum & annul* & puis p^{re}s Letters Patents; & q^{uand} en p^{ro}greſſe de temps ils d^ont poyer ap^{re}s a fair Election ſouſ aſe^s formes & conditions p^{re}ſentement, q^{uand} ils a cheſc^{un} Vacation dem^{an}deront del Roy *Conge de eſlire*, ceſtat-cavoir, licence a p^{ro}ced al Election, & puis de obſecrer ſon Royal Aſſent, &c. Et ouſter il affirm^{er} p^{ar} bone p^{ro}bation hors des Livres del Common Ley, q^{uand} le Roy *Joan* fait le premier que granta ceo, & que il ſuit puis confirme *per Weſtm. i. c. 1.* quel Statute ſuit fait Anno 3. E. 1. & arere *per* le Statute de *Art. Cleri*, c. 2. q^{uand} ſuit ordaine Anno 25 E. 3. Stat. 3.

Conjuration.

Conjuration eſt un Compact ou Plot fait p^{ar} homes combinant eux meſmes enſemble *per ſerement* ou parol a ſa^{ir} aſc^{un} publicq^{ue} ſeſſe. Mes il eſt pluis communement uſe p^{ar} tiels queux ont perſonal Parlaunce ove le Diable ou male Eſperit, a cognoiſſe aſcun ſecrer, ou de faire aſc^{un} choſe. Anno 5 Eliz. c. 16. Et le difference p^{re}ſenter *Conjuration* & *Witchcraft* poit eſſe ceo: Par ceo q^{uand} l^{es} un ſemble p^{ar} Orizons & Invocation ſur le potent Noſme

Caſtical Dignities whenſoever they happen'd to be void, inveſting them firſt *per baculum & annulum*, and afterwards by his Letters Patents; and that in p^{ro}greſſe of time they gave power to others to make Election under certain forms and conditions; as namely, that they upon every Vacation ſhould beg of the R. Conge de eſlire, that is, licence to p^{ro}ceed to Election, and after to crabe his Royal Aſſent, &c. And farther he affirms by good proof out of the Common-Law Books, that King John was the firſt that granted it, and that it was afterwards confirmed by *Weſtm. i. c. 1.* which Statute was made Anno 3 E. 1. and again by the Statute de *Art. Cleri*, c. 2. which was ordained Anno 25 E. 3 Stat. 3.

Conjuration.

Conjuration is a Compact or Plot made by men combining themſelves together by oath or promiſe to do any publick harm. But it is more commonly uſed for ſuch as have perſonal Conference with the Devil or evil Spirit, to know any ſecrer, or to effect any purpoſe. Anno 5 Eliz. c. 16. And the difference between Conjuration and Witchcraft may be this: Becauſe the one ſeems by Prayers and Invocation upon the powerful Name of God, to compeſſe the

the Devil to say or do what he commands; and the other doth it rather by a friendly and voluntary Conference or agreement between him or her, and the Devil or familiar, to have his or her desires and purposes effected, instead of blood or other gift offered him, especially of his or her Soul. And both these differ from Enchantments or Sorceries, because they are personal Conferences with the Devil, as is said; but these are but Medicines and ceremonial forms of words, commonly called Charms, without apparition.

d Dieu, d compeller l' Diable a dire ou faire q il luy command; & l'aut' fait plus p un amicable & volontarie Par-lance ou Concord penter luy ou el, & le Diable ou Esperit, daver sa ou sō volunt & choses effect ē lieu de sangue ou aut' don offer a luy, pmermt d sō ou sa Soul. Et ambideux ceux differont de Enchantments ou Sorceries, pur ceo q sont psonal Parlances ove le Diable, com est dit; mes ceux sont forsq; Medicines & ceremonial formes de parōls, communemēt appel Charms, sans apparition.

Conservator of the Peace.

Conservator del Peace.

Conservator of the Peace is he that hath an especial charge by virtue of his Office to see the Kings Peace kept. Which Peace in effect is defined to be, A with-holding or abstinence from that injurious force and violence that unruly and boisterous men are in their natures prone to use towards others, were they not restrained by Laws and fear of Punishment. Of these Conservatoys Lambert farther saith, That before the time of King E. 3. who first appointed Justices of Peace, there were sundry persons who by the Common Law had interest in keeping of the Peace. Of those some had that charge as incident to their Offices, and so inclu-

Conservator del Peace est celui que ad un especial charge p vertue d son Office a veier le Peace le Roy observe. Quel Peace ē effect est define desire, Un detention ou abstinee d eel injurious force & violence q homes irregular & indomt sont ē leur natures apt d user envers auters, sinon q ils suet restrain p Leys & pavor d Castigac. De ceux Conservatoys Lambert ouster dit, Que devant le temps del Roy E. 3. q primerment constitute Justices del Peace, la suet divers psons q p le Common Ley avef interest ē le gardiancy del Peace. De ceux, ascun ont ceo charge come incident a leur Offices,

& issint include: deins m̄, niēt
obstācils suef appel p l' nosm̄
de leur Office solem̄r: asc'
aut's ont ceo solem̄r, cōe d luy
m̄, & suef de c̄ nosm̄ *Custodes*
Pacis, Gārdians ou Conserva-
tors del Peace. Et ceux ambi-
deux sorts sont areres subdi-
vide p Lambert en son *Eirenar-*
cha, l. 1. c. 3.

ded within the same, and yet
notwithstanding were called by
the name of their Office only:
others had it simple, as of it
self, and were thereof named
Custodes Pacis, Wardens or Con-
servators of the Peace. And
both these sorts are again subdi-
vided by Lambert in his *Eirenar-*
cha, l. 1. c. 3.

Conservator del Truce.

Conservator of the Truce.

Conservator del Truce fuit
un Officer constitute en
chescun Port del Mere south
les Letters Patents le Roy, &
ad 40 l. p son annual salarie
al meins. Son charge fuit
d'enquīrer de tous Offences
faits envers le Truce & Safe
conducts del Roy sur le plein
Mere, hors des pais & hors
des Franchises del Cinque-
Ports le Roy, come les Admi-
rals de custome ont use de
faire: & tiels aut' choses cōe
sont declare Anno 2 H. 5. c. 6.
Touchant cest chose poyes
lier l'auter Statute de Anno
4 H. 5. c. 7.

Conservator of the Truce was
an Officer appointed in
every Port of the Sea under the
Kings Letters Patents, and
had 40 li. for his yearly si-
pend at the least. His charge
was to enquire of all Offences
done against the Kings Truce
and Safe conducts upon the
main Sea, out of the Coun-
tries and Liberties of the
Cinque-Ports of the King, as
the Admirals have accustomedly
done; and such other things as
are declared Anno 2 H. 5. cap. 6.
Touching this matter you may
read the other Statute of Anno
4 H. 5. c. 7.

Consideration.

Consideration.

Consideration est l' essenti-
al cause d'un Contract,
sans le quel nul Contract poit
lier le parties. Ceo Considera-
tion est ou expresse, sicōe quāt
un hōe bargaine a done vint
soulz p ū Chival: ou est im-

Consideration is the material
cause of a Contract, with-
out which no Contract can bind
the party. This Consideration
is either expresse, as when a
man bargains to give twenty
shillings for an Horse: or is im-
plied

plied, as when the Law it self induces a Consideration; as if a man comes into a common Inn, and there staying some time, takes meat or lodging, or either, for himself or his horse, the Law presumes he intends to pay for both, notwithstanding that nothing be covenanted between him and his Host, and therefore if he discharges not the house, the Host may stay his horse.

Also there is Consideration of nature and blood, and Valuable Consideration: and therefore if a man be indebted to divers others, and yet, in consideration of natural affection, gives all his goods to his son or cousin, this shall be construed a fraudulent Gift within the Act of 13 Eliz. c. 5. because this Act intends a Valuable consideration.

Consistory.

Consistory is a word borrowed of the Italians, or rather Lombards, and signifies as much as Tribunal. It is vocabulum utriusque Juris, and is used for the place of Justice in the Courts Christian or Spiritual.

Consolidation.

Consolidation is used for the Combining and uniting of two Benefices in one: And

ply, sicōe qōd le Ley m̄ enforce ū Consideration; cōe si un hōe vient ē ū cōmon Hostel, & la cōmorant asc' tēps, prist viands & gisure; ou asc', p̄ luy mesme ou son chival, le Ley presume q̄ il entend a payer p̄ ambideux, nient obstant riens soit cōvenant perenter luy & son Hostler, & p̄ ē sil ne discharge pas le maison, le Hostler poit retain son chival.

Auxy la est Consideration d̄ nature & sanke, & valuable Consideration: & p̄ ceo si hōe soit endet a divers aut's, & nient obstant, ē consideration d̄ natural affection, done toutes ses biens a son firs ou cousin, ceo serra entend desirer un fraudulent Done dēins l' Act de 13 Eliz. c. 5. p̄ ceo q̄ cest Act entend ū Valuable Consideration.

Consistory.

Consistory est ū parol emprunt del Italiano, ou plus tost Lombards, & signifie tant come Prætorium. Est vocabulum utriusque Juris, & est use p̄ le lieu del Justice ē les Courts Espirituals ou Christians.

Consistory.

Consolidation est use p̄ le Combinance & unificence p̄ deux Benefices ē un
&

& cest poi est pris de le Ley Civile, ou il p[ro]p[ri]t signifie u[n] Uniting del possession, occupation, ou p[ro]fit, ove le p[ro]p[ri]e. Come si home ad p[ro]p[ri]e Legacie *usum fructum fundi*, & puis purchase le Propertie ou Fee-simple del Heir; en cest case un Consolidation est fait des Profits & Propertie. *Vide Brook tit. union.*

this word is taken from the Civil Law, where it properly signifies an Uniting of the possession, occupation, or profit, with the property. As if a man hath by Legacy *usum fructum fundi*, and after purchases the Propertie or Fee-simple of the Heir; in this case a Consolidation is made of the Profits and Propertie. *Vide Brook, tit. Union.*

Conspiracie.

Conspiracie.

Conspiracie, nient obstant q[uod] e[st] Latine & Francois est use p[er] u[n] Agreemēt des hōes a faire un chose bone ou māl[e], encore il est cōmune[m] prise e[n] le Ley e[st] le male part; & est define en 34 E. 1. Stat. 2. destre un Agreemēt d[un] tiels q[uod] confederont ou lieront eux mesmes p[er] Seremēt, Covenant, ou aut[re] alliance, q[uod] chesc[un] de eux portera & aidera l'auter faulx[m]t & malicious[m]t, d[un] enditer, ou faulx[m]t a mover ou maintenir Plee[s]; & aux tiels q[uod] causant Enfants deins age d[un] appealer hōes d[un] Felony, p[er] q[uod] ils sont imprison & duremēt grleve; & tiels q[uod] retereignont gentes e[n] le Pais ove Liveries ou Fees de maintenir lour Actions malicious: & ceo extend cybien a les priors, cōe les donors. Aux Seneschals & Reeves d[un] grand S[er]s, q[uod] p[er] lour Seignarie, Office, ou poyar, assume d[un] port[er] ou maintenir Quarrels, Plee[s] ou Debates,

Conspiracie, notwithstanding that in Latine and French it is used for an Agreement of men to do a good or evil thing, yet it is commonly taken in our Law in the evil part; and is defined in 34 E. 1. Stat. 2. to be an Agreement of such as confeder or bind themselves by Oath, Covenant, or other alliance, that every of them shall bear and aid the other falsly and maliciously, to, indict, or falsly to move or maintain Pleas; and also such as cause Children within age to appeal men of Felony, whereby they are imprisoned and sore grieved; and such as maintain men in the Country with Liberties and Fees to maintain their malicious enterprises: and this extends as well to the takers, as to the givers. Also Stewards and Bailiffs of great Lords, who by their Seignory, Office or power, undertake to bear or maintain Quarrels, Pleas or

De=

Debates, that concern other parties then such as touch the Estate of their Lords, or of themselves. Anno 4 E. 3. c. 11. 3 H. 7. c. 13 And hereof see more, 1 H. 5. c. 3. 18 H. 6. c. 12. also in the old Book of Entries, word Conspiracie.

This word in the places before rehearsed is taken more generally, and is confounded with Maintenance and Champerty; but in a more special signification it is taken for a Confederacy between two or more, falsly to indict one, or to procure one to be indicted of Felony. And the punishment of Conspiracy upon an Indictment of Felony at the Suit of the King is, That the party attainted shall lose his frank law, so that he shall not be impanelled upon Juries or Assises, or such like employments, for testifying of the truth: and if he hath to do in the Kings Court, he shall make his Attorney; and his lands, goods and chattels shall be seised into the Kings hands, his lands estreaped, his trees digged up, and his body committed to prison: 27 lib. Assise 59 Crompton 156.b. this is called villanous Judgement. But if the party grieved will sue a Writ of Conspiracy, then see Fitzh. Nat. Brev. 114. d. 115. i. &c.

q̄ concernont aut' parties que tiels que touchāt l'Estate de leur Sārs, ou de eux mesmes. Anno 4. E. 3. c. 11. 3 H. 7. c. 13. Et de ceo veies plus, 1 H. 5. c. 3. 18 H. 6. c. 12. auxy en le veiel Livre de Entries, verb' Conspiracie.

Cest pol en les lieux devāt rehearse est prise plus generalmēt, & est confound ove Maintenance & Champerty; mes en ū plus special signification il est prise p̄ un Confederacie p̄nt' deux ou plusors, fauxmēt endit' ū, ou d'pcurer un destre endit' d' Felony. Et le punishmēt d' Conspiracie sur un Indictmēt de Felony al Suir le Roy est, Que le parry attaint pdera sont frank ley, al entēt q̄ il ne soit impanel sur Juries ou Assises, ou tiels semblables employmēt, p̄ le restitution del voyertie: & si ad a fair ē le Court le Roy, q̄ il fait son Attorney; & q̄ les c'res, biēs & chattels sont seiscie ē les mains le Roy, ses c'res estreape, ses arbres defosse, & son corps commise al prison. 27 lib. Assise 59. Crompton 156.b. ceo est appel villanous Judgement. Mes si si le partie grieve voyle suer un Brief de Conspiracie, donque veies Fitzh. Natur. Brev. 114. d. 115. i, &c.

Con-

Constable.

Constable est diversement use e le Comon Ley. Et primerment, le Constable d'Angleterre q est auxy appel Marshal, *Stat. Pl. Cor. fol. 65.* de l'autorite & dignite de quel home poit trover plufors arguments & signes, cybien e les Statutes, come les Chronicles d'c Royalm Son poyer consist en le care del common Peace del Tefe, e Faits marshal, & choses de Chivalry, *Lamb. Dutie de Constab. numb. 4.* ove que agree le Statute de 12 R. 2. cap. 2. Stat. 1. De ceo Officer ou Magistrate, *Gwyn*, en le Preface a ces Lectures, dit a tel effect; Le Court de Constable & Marshal finist Contrastes touchant Faits de chivalrie hors del Royalm, & treat choses concernont Guerres deins le Royalm, come Combats, Blasoms de armory, & tiels semblables; mes il nad a salr ove Battel en appeale, ne genalmēt ove ascun aut chose que poit essierie per les Leyes de Tefe. *Veles Fortescue cap. 32.* Cest Office en temps par devant fuit apperteynant al Surs de certain Manors *Jure feudl*; & pur quel cause ceo discontinue veies *Dyer 385. Pl. 39.*

Hors de cel Magistracie (sait *Lambert*) suet trahe ceux south Constables, les

Constable.

Constable is diversely used in the Common Law. And first, the Constable of England, who is also called Marshal, *Stat. Pl. Cor. fol. 65.* of whose authority and dignity a man may find many arguments and signs, as well in the Statutes, as in the Chronicles of this Realm. His power consists in the care of the common Peace of the Land, in deeds of Arms, and matters of War, *Lamb. Duties of Constables, num 4.* wherewith agrees the Statute of 12 R. 2. c. 2. Stat. 1. Of this Officer or Magistrate, *Gwyn*, in the Preface to his Readings, saith to this purpose; The Court of the Constable and Marshal determines Contrastes touching Words of arms out of the Realm, and handles things concerning Wars within the Realm, as Combats, Blazons of armory, and such like; but he hath nothing to do with Battel in appeal, nor generally with any other thing that may be tried by the Law of the Land. *See Fortescue cap. 32.* This Office heretofore was appertaining to the Lords of certain Manors *Jure feudl*; and why it is discontinued, see *Dyer 285. pl. 39.*

Out of this Magistracie (saith *Lambert*) were drawn these inferior Constables, which we

we call Constables of Hundreds and Liberties, and first ordained by the Statute of Winchester 13 Edw. 1. which appoints for the conservation of the Peace, and view of Armour, two Constables in every Hundred and Liberty; and these are at this day called High Constables, because the increase of people and offences hath again under these made others in every Town, called Petty Constables, who are of the like nature, but of inferior authority to the other.

Besides these, there are Officers of particular places called by this name; as Constable of the Tower, Stat. 152. 1 H. 4. 13. Constable of the Exchequer, 15 H. 3. Stat. 5. Constable of Dover Castle, Camb. Brit. pag. 239. F. N. B. otherwise called Castellain. Manw. part. 1. cap. 13. of his Forest Law, makes mention of a Constable of the Forest.

quels nous appellons Constables des Hundreds & Franchises, & premierment ordainé par l'Statute de Winchester. 13 E. 1. le quel appointe pour la conservation del Pease, & view d'Armour, deux Constables en chescun Hundred & Franchise; & ceux sont a cest jour appelz Alt Constables, par ceo que le encrease des gentz & peches ad arreze souch ceux fait aut's en chescun Vill', appelz Petits Constables, queux sont de semblable nature, mes de inferior authority al autre.

Ouster ceux, la sont Officiers de particular lieux appelz per cest nomme; come Constable del Tower, Stat. 152. 1 H. 4. 13. Constable de Exchequer, 15 H. 3. St. 5. Constable de Dover Castle, Camb. Brit. p. 239. F. N. B. aut'ment appelle Castellain. Manwood part. 1. c. 13. de ses Leys del Forest, fait mention d'un Constable del Forest.

Customes and Services.

See Prescription.

Consuetudinibus & Servitiis. Vide Prescription.

Customes and Services is a *Quit*, and lies where I or my ancestors, after the limitation of *Wille*, (for which see the Title of Limitation in the Collection of Statutes) were not seised of the Customes or Services of the Tenant before; then I shall have this *Quit* to recover those Services.

Consuetudinibus & Servitiis est un Breve, & gist lou jeo ou mes ancestors, depuis le limitation d'Affise, (pour lequel veles le Title d'Limitation en le Collection de Statutes) ne fueront seises des Customes ou Services de Mon Tenant devant; donques jeo aver cest Breve pour recover ceux Services.

Auxy

Anxy le Tenant pōit aver cest Bre vers son Seignior ; mes apres que le Tenant ad count, le Seignior defendera les mores del Count, & repliant dirra, que il ne distreina pas pur les Customes dont le Count est ; & donques il countera tout le Count de les Customes & Services ; & donques le Tenant, que fuit Plaintiff, deviendra Defendant, & defendra per Bataille ou grand Assise.

Also the Tenant may have this Writ against his Lord, but after the Tenant hath declared, the Lord shall defend the words of the Declaration, and replying shall say, that he is strained not for the Customes whereof the Declaration is, and then he shall declare all the Declaration of the Customes and Services ; and then the Tenant, who was Plaintiff, shall become Defendant, and shall defend by Battle or great Assise.

Consultation.

Consultation est un Breve, par lequel une Cause estant pardevant removee par Prohibition hors del Court Ecclesiastical, ou Court Christian, al Court le Roy, est la retourner arere : Car si les Judges del Court le Roy, comparant le Libell over le Suggestion del partie, trovant le Suggestion faulx, ou nient prove, & pur ceo le Cause destre tortiousment appel del Court Christian ; donque, sur ceo Consultation ou Deliberation, ils decree ceo desir retourner arere ; sur que le Brief en ceo case obtaine est appel un Consultation. De ceo vous poyez ller le Regist. Orig. fol. 44. jesque fol. 58. Vit. Nat. Br. fol. 32. & F.N.B. fol. 50.

Consultation.

Consultation is a Writ, whereby a Cause being formerly removed by Prohibition out of the Ecclesiastical Court, or Court Christian, to the Kings Court, is returned thither again ; for if the Judges of the Kings Court, comparing the Libell with the Suggestion of the party, find the Suggestion false, or not proved, and therefore the Cause to be wrongfully called from the Court Christian ; then, upon this Consultation or Deliberation, they decree it to be returned again ; whereupon the Writ in this case obtained is called a Consultation. Of this you may read the Regist. Orig. fol. 44. untill fol. 58. Old. Nat. Brev. fol. 32. & Fitzh. Nat. Brev. fol. 90.

Contenement.

Contenement seems to be the freehold-land that lies to the Tenement or Dwelling-house that is in his own occupation: for in Magna Charta, cap. 14. there are these words; A Free-man shall not be amerced for a small fault, but according to the quantity of the fault, and for a great fault, according to the manner thereof, saving unto him his Contenement or Free-hold: And a Merchant shall also be amerced, saving to him his Merchandizes; and a Villain, saving to him his Wainage.

Continual Claime.

Continual claim is, where a man hath right to enter into certain lands whereof another is seised in Fee, or Fee-tail, and dares not enter for fear of death or beating, but approaches as nigh as he dares, and makes Claim thereto within the year and day before the death of him that hath the Lands; if that he who hath the Land die seised, and his Heir is in by descent, yet he that makes such Claim may enter upon the Heir, notwithstanding such descent, because he hath made such Continual claim. But such Claim must always be made within the year

Contenement.

Contenement semble deslire le Frankenemēt terre q̄ gift al Tenemēt ou Meason q̄ est en son occupatiō demesne: car en Magna Charta, cap. 14. la sont ceux parols; un Frank home ne serra amercie par un petit offence, mes accordant al quantite del offence, & pur un petit offence, mes accordant al manner de ceo, savant a luy son Contenement ou Frankenement: Et un Merchant serra auxy amercy, savant a luy ses Merchandizes; & un Villein, savant a luy son Gainage.

Continual Claime.

Continual claim est, lou home ad droit de enter en certain terres dont un aut' est seise en Fee, ou Fee-taille, & il ne osast enter pur pavour de mort ou batterie, mes approche cy pres come il osast, & fait Claime a ceo deins le an & jour devant le mort de cestuy que ad le terre; si apres cestuy que ad le terre devie seise, & son Heire est eins per descent, uncore cestuy que fait tiel Claime poit enter sur le Heire, nient contristant tiel descent, s̄ ceo q̄ il ad fait tiel Continual claime. Mes il covlent que cest Claime routes fois

soit fait deins l' an & jour devant le mort le Tenant; car si tiel Tenant ne morust seisie deins l' an & jour apres tiel Claimé fait, & uncore il que ad droit no-fast enter, donques covient al cestuy que ad tiel droit de faire auter Claimé deins l' an & jour apres l' primer Claimé, & apres tiel second Claimé, de faire le tierce Claimé deins l' an & jour, si il voit estre sure de s'aver son Entry.

Mes si le Disseisor devie seisie deins l' an & jour apres le Disseisin, & nul Claimé fait, donques le Entry le Disseisee est tolle, car l' an & jour ne serra prise de le temps del title de Entry a luy accrue, mes solemt de le temps del darain Claimé p luy fait, come est avantdit. Veies plus de c'en *Littl. l. 3. c. 7.* & veies le *Stat. 32 H. 8. cap. 33.*

and the day before the death of the Tenant; for if such Tenant do not die seised within a year and a day after such Claim made, and yet he that hath right dares not enter, then it behoves him that hath such right, to make another Claim within the year and day after the first Claim, and after such second Claim, to make the third Claim within the year and day, if he will be sure to save his Entry.

But if the Disseisor die seised within the year and day after the Disseisin, and no Claim made, then the entry of the Disseisee is taken away, for the year and day shall not be taken from the time of the title of the Entry to him given, but only from the time of the last Claim by him made, as is aforesaid. See more herof in *Littl. li. 3. c. 7.* and see the *Stat. 32 H. 8. cap. 33.*

Continuance.

Continuance en le Common Ley est de mesme signification ové *Prorogation* en le Civile; come Continuance jelsq le pcheine, Assise, *F. N. B. 154. f. & 244. d.* e queux ambledeux lieux il est dit, Que si un Record en le Tresurie soit alledge p l'un party, & denie p l'auter, un *Certiorari* serra sue al Treasurer & le Chamberleine de

Continuance.

Continuance in the Common Law is of the same signification with *Prorogatio* in the Civil: as Continuance until the next Assise, *Fitzh. Nat. Brev. 154. f. and 244. d.* in both which places it is said, That if a Record in the Treasury be alledged by the one party, and denied by the other, a *Certiorari* shall be sued to the Treasurer and the Chamberlain of the Exchequer, and

and if they do not certifie in the Chancery that such Record is there, or that it is like to be in the Tower, the King shall send to the Justices, repeating the said Certificate, and commanding them to continue the Assise. In this signification it is also used by Kitchen, 202. and 119. also Anno 11 H. 6. cap. 4.

Contract.

Contract is a Bargain or Covenant between two parties, where one thing is given for another, which is called *Quid pro quo*; as if I sell my Horse for money, or if I covenant to make you a Lease of my Mannor of Dale, in consideration of twenty pound that you shall give me, these are good Contratts, because there is one thing for another. But if a man make promise to me, that I shall have xx. s. and that he will be debtor to me thereof, and after I ask the xx. s. and he will not deliver it; yet I shall never have any Action to recover this xx. s. because this Promise was no Contract, but a bare Promise, and *Ex nudo Pacto non oritur Actio*. But if any thing were given for the twenty shillings, though it were but the value of a penny, then it had been a good Contract.

Exchequer; & *ils ne certifie pas en le Chancerie que tel Record est la, ou que est semblable destre en le Tower, le Roy mittera al Justices, recitant le dit Certificate, & commandant eux de continuer le Assise. En ceo signification est auxy use per Kitchen. 202. & 199. auxy An. 11 H. 6. cap. 4.*

Contract.

Contract est un Bargain ou Covenant perent' deux parties, lou un chose est done pur autre, que est appel *Quid pro quo*; come si jeo vende mon Chival pur argent, ou si jeo covenant de fair Lease a vous de mon Mannor de Dale, en consideration de xx. l. q' vous dones a moy, ceux sont bone Contratts, pur ceo q' il ad un chose pur autre. Mes si un home fait p'mise a moy, q' jeo avera xx. s. & q' il voile este dettour a moy de ceo, & puis jeo demande xx. s. & il ne voyle a moy deliver; uncore jeo n'avera j'ames Action pur recover cest xx. s. pur ceo que cest Promise ne fuit Contract, mes *nudum Pactum*, & *Ex nudo Pacto non oritur Actio*. Mes si ascun chose fuit done pur le xx. s. mesque il fuit forsque al value d'un denier, donques il fuit bone Contract.

Contra formam Collationis.

Contra formam Collationis est un Brief q̄ gist lou home done Terres en perpetual Almoigne a ascun Meafon de Religion, come a un Abbe & la Covent, ou auer Sovereigne, ou al Gardien ou Master de ascun Hospital & sont Covent, de trover certain pover home, & de faire aut' Divine service; s'ils alien les Terres, donq̄s le Donor ou ses heires averont le dit Brief p̄ recover le Terre. Mes cest Brief serra tous foirs port vers le Abbot ou s̄o succellor, & nemy vers l'Alienee, com̄t que il soit Tenant: mes en rous auters Actions lou hōe demand Frankenement, le Brief serra port vers le Tenant del Terre. Vide le Stat. West. 2. cap. 41.

Contra formam Feoffamenti.

Contra formam Feoffamenti est un Brief q̄ gist lou un hōm devant le Statute de *Quia emptores terrarum*, fait 18 Ed. 1. infeoffe aut' p̄ fait de faire certain Service; si le Feoffor ou ses heires distraint luy de faire auter Service que est comprise en le Fait, donques le Tenant avera cest

Contra formam Collationis.

Contra formam Collationis is a writ that lies where a man hath given Lands in perpetual Almes to any of the late Houses of Religion, as to an Abbot and Convent, or other Sovereign, or to the Warden or Master of any Hospital and his Convent, to find certain poor men, and to do other Divine Service, if they alien the Lands, then the Donor or his heirs shall have the said writ to recover the Land. But this writ shall be alway brought against the Abbot or his successor, and not against the Alienee, although he be Tenant: but in all other Actions where a man demands Freehold, the writ shall be brought against the Tenant of the Land. See the Stat. West. 2. cap. 41.

Contra formam Feoffamenti.

Contra formam Feoffamenti is a writ that lies where a man before the Statute of *Quia emptores terrarum*, made 18 Edw. 1. infeoffed another by Deed to do certain Service; if the Feoffor or his heirs distraint him to do other Service then is comprised in the Deed, then the Tenant shall have

have this *Writ*, commanding him not to distrain him to do other Service then is comprised in the Deed. But this *Writ* lies not for the Plaintiff who claims by purchase from the first Feoffee, but for the Heir to the first Feoffee.

Bre, luy commandant que il ne distrain luy de faire autre Service que nest compris deins le Fait. Mes cest Brief ne gist pur le Plaintiff que claim per purchase del primer Feoffee, mes pur le Heire al primer Feoffee.

Contributione facienda.

Contributione facienda.

Contributione facienda is a *Writ* that lies where there are divers Parceners, and he who hath the part of the eldest makes all the suit to the Lord, the others ought to make Contribution to him, and if they will not, he shall have against them this *Writ*. In some cases the Heir shall have Contribution, and in others not, but shall be alone charged: For if a man be seised of three Acres of Land, and acknowledges a Recognizance or Statute, &c. and infeoffs A. of one Acre, and B. of another Acre, and the third descends to his Heir; if Execution be sued against the Heir only, he shall not have Contribution against any Purchasor, yet he is charged as Terre-tenant, and not as Heir; for the Land, and not himself, is charged.

Yet if a man be seised of two Acres, the one of the nature of Borough-English, and binds himself as before, and dies, having issue two daughters, who make partition; in this case, if

Contributione facienda est un Brief, & gift lou sont divers Parceners, & celuy que ad le part del eigne fait tout le suit al Seignieur, les autres doyent faire Contribution a luy, & s'ils ne voient, il avera vers eux le dit Breve. En aucuns cas le Heire avera Contribution, & en autres nemy, mes serra seulement charge: Car si home soit seisie de trois Acres de terre, & conust un Recognizance ou Statute, &c. & enseoffe A. d'un Acre, & B. d'un autre Acre, & le tierce descend a son Heire; si Execution soit sue seulement vers le Heire, il ne avera Contribution vers aucun Purchasor, uncore il est charge come Terre-tenant, & nemy come Heire; car le Terre, & nemy luy mesme, est lie.

Uncore si home soit seisie de deux Acres, l'un de nature de Borough-English, & lye luy mesme come devant, & morust, ayant issue deux filles, queux sont partition;

en cest case, si l' un soit charge, el avera Contribution ; car sicome un Purchasor avera Contribution vers auters, & vers le Heire le Conusee auxy ; issint un Heire avera Contribution vers autre Heire, car ils sont *in equali gradu*. Auxy si home soit issint lie, & puis son mort asc' de son terre descend al Heir del part le pere, & ascun al Heire del part le mere, l'un solement ne serra charge, mes sil soit, il avera Contribution. En Dower, si le Tenant vouch le Heire en gard a troyz seferal Seigniors, chescun serra owelment charge.

Si deux, quat', ou plusors homes soyent seferalment se sie d' Terre, & ils tous joynt e un Recognisance; en cest case le Conusee ne poit extend le Terre del asc' des Conusors solement, mes routs dolent owelment estre charge: car conit que le Terre del Conusor mesme poit este solement extend qnt divers hōes ont purchase ascun del Terre subject al Recognisance, pur ceo q' le Purchasor est en autre degrec que le Conusor mesme; uncore un de les Conusors ne serra solement charge, car il esloyt en owel degrec ove les auters Conusors. Auxy le tertenant d'un Debtor sur un extent avera contribution de l'heir del Debtor, quel veies 1 Cro. Eyer

the one be charged, he shall have Contribution: for as one Purchasor shall have Contribution against others, and against the Heir of the Conusee also; so one Heir shall have Contribution against another Heir, for they are in equal degree. Also if a man be so bound, and after his death some of his Land descends to the Heir of the part of the father, and some to the Heir of the part of the mother; the one alone shall not be charged, but if he be, he shall have Contribution. In Dower, if the Tenant vouches the Heir in ward to these seferal Lords, each of them shall be equally charged.

If two, four, or more men be seferally seized of Land, and they all joynt in a Recognisance; in this case the Conusee cannot extend the Land of any of the Conusors alone, but all ought equally to be charged: for though the Land of the Conusor himself may be only extended when divers men have purchased any of the Land subject to the Recognisance, because the Purchasor is in another degree then the Conusor himself; yet one of the Conusors shall not be solely charged, for he stands in equal degree with the other Conusors: Also the tertenant of a Debtor upon an extent shall have contribution of the Heir of the Debtor, which see 1 Cro. Eyer against Taunton. At Judgement

ment be given against two Disseisors in Affise for the Land and damages, and one Disseisor dies, the Execution shall not be abated against the surviving Disseisor that was party to the wrong, but as well the Heir as the Disseisor shall be equally charged. But otherwise it is in personal binding; as if two are bound in an Obligation, there the charge shall survive.

And where it is said, that the one Purchaser shall have Contribution, it is not thereby intended, that the others shall give or allow unto him any thing by way of Contribution; but it ought to be intended, that the party that is solely extended for all may by an Audita querela, or Scire Facias, as the case requires, defeat the Execution, and thereby shall be restored to all the mean profits, and force the Conuisee to sue Execution of all the Land: so in this manner every one shall be contributory, viz. the Land of every Terre-Tenant shall be equally extended.

Convocation.

Convocation is commonly taken for the Assembly of all the Clergy to consult of Ecclesiastical matters in time of Parliament: And as there are two Houses of Parliament, so there are two places called Convocation-houses; the one called

versus TANNON. Si Judgment soit done vers deux Disseisors en Affise pur le Terre & damages, & l'un Disseisor mourust, l' Execut' ne serra agard vers le surviving Disseisor que sult party al tort, mes cybien le Heir come le Disseisor serra owellment charge. Mes autrement est en personal lien; cōe si 2 sont lie en ū Obligat', la le charge survivera. Et ou est dit, que l' un Purchasor avera Contribution, nest per ceo entend, q les autres donneront ou allowront a luy aucun chose p voy de Contribution; mes doit estre entend, q le pte q est solēnt extend p tout poit per Audita querela, ou Scire facias, come le case require, defeat le Execution, & per ceo serra restore a tous les mesne pfts, & chaser le Conuisee de suer Execution de tout le Terre: issint en cest manner chesc' serf contributory, cestascavoire, le Terre de chesc' Terre-tenant serra owellment extend.

Convocation.

Convocation est communement prise pur le Assembly de tous les Clerks p consult' d choses Ecclesiastical & tēps de Parlemēt: Et sicōe la sont deux Measōns de Parlemēt, issint la sont deux lieux appel Measōns de Convocation l' un

appel le plus Alt Meason d'Invocation, ou les Archevesqs & Evêques sedont, severalment per eux mesmes; laut' l'Inferior Meason de Cōvocation, ou tout le residue des Clerks sedot. *V. Prolocutor.*

called the Higher Convocation=house, where the Archbishops and Bishops sit severally by themselves; the other, the Lower Convocation=house; where all the rest of the Clergy sit. *Vide Prolocutor.*

Consuſance.

Consuſance de Plee est un Priviledge que un Citie ou ville ad per grant le Roy, de ten Plee de tous Contrasts, & des Terres deins le precinct del Franchise, & q quant ascū home est impleade p asc tiel chose en le Court le Roy al *westmin'*, les Mayors ou Bayliffs de tiels Franchises, ou Jour Attornies, poient demander Consuſance del Plee, cestascovoir, que le Plee & le matter serra plead & determine devant eux.

Mes si le Court al *westminster* soit loyally seissie del Plee devant que Consuſance soit demand, donques ils ne averont Consuſance pur cest Suit, p c que ils ont negligie leur temps d demand c: mes cest ne serra barre al eux d aver Consuſance e aut' Action; car ils poyent demand Consuſance en un Action, & omit ceo e un autre, a leur pleasure.

Et notes, que Consuſance ne gist en Prescription, mes il covient monstre Letters Patents le Roy pur ceo.

Consuſance.

Consuſance of Plee is a Priviledge that a City or Tenant hath by the Kings grant, to hold Plee of all Contrasts, and of Lands within the precinct of the Franchise, and that when any man is impleaded for any such thing in the Court of the King at *Westm.* the Mayors or Bayliffs of such Franchises, or their Attorneys, may ask Consuſance of the Plee, that is to say, that the Plee and the matter shall be pleaded and determined before them.

But if the Court at *Westminster* be lawfully seised of the Plee before Consuſance be demanded, then they shall not have Consuſance for that Suit, because they have neglected their time of demand thereof: but this shall be no bar to them to have Consuſance in another Action; for they may demand Consuſance in one Action, and omit it in another, at their pleasure.

And note: that Consuſance lies not in Prescription, but it behoves to shew the Kings Letters Patents for it.

Coparceners.

Coparceners. See Parceners.

Coparceners.

Coparceners. Veies Parceners.

Copyhold.

Copyhold.

Copyhold is a Tenure for which the Tenant hath nothing to shew but the Copies of the Rolls made by the Steward of his Lord's Court: For the Steward, as he inrolls all other things done in his Lord's Court, so he doth also such Tenants as are admitted in the Court to any parcel of Land or Tenements belonging to the Manor; and the Transcript of this is called the Court-Roll, the Copy whereof the Tenant takes from him, and keeps as his only Evidence. Coke l. 4. fol. 25. This Tenure is called a Base Tenure, because it holds at the will of the Lord, Kitchin, fol. 80. Fitzh. Nat. Brev. f. 12. b. c. who saith, it was wont to be called Tenure in Villenage, and that this Copyhold is but a new name. Yet it is not simply at the will of the Lord, but according to the Custome of the Manor; so that if a Copyholder break not the Custome of the Manor, and thereby forfeit his Tenure, he seems not so much to stand at his Lord's courtesie for his right, as to be displaced when he pleases. The Cu-

Copyhold est un Tenure pur quel le Tenant ad riens a monstre fors q̄ les Coples des Rolles fait p̄ le Seneschal del Court son S̄r: Car le Seneschal, sicome il enroll' tous aut's choses faits en le Court le S̄r, issint il auxy fait tiels Tenants q̄ sont admittē ē le Court a alc' parcel de Tfe ou Tenements apperteynant al Manor; & le Transcript d'c est appel Court-Roll, le Copie de q̄ le Tenant prist de luy, & detinet cōe son sole Evidēce. Co. li. 4. fol. 25. Cest Tenure est appel Base tenure, p̄ ceo q̄ tient al volunt le S̄r. Kitchin, fol. 80. Fitzh. Nat. Brev. fol. b. c. que dit, q̄ suit accustomē desirer appel Tenure en Villenage, & que cest Copyhold nest forsque un novel nisme. Uncore nest meurement al volunt le S̄r, mes accordant al Custome del Manor, issint q̄ si un Copyholder ne pas infreint le Custome del Manor, & p̄ se forfeit son Tenure, ne semble tant destoyer al volunt son S̄r pur son droit, cōe desirer dislieu quant a luy pleist. Les Customs

stomes d Manors sont infinite variant en un point ou auter fere en chesc' several Manor.

Primerment, aucun Copyhold est fineable, & aucun certain. Ceo q est fineable le Seignr assesse a quel Fine q il voyle, quant le Tenant est a ceo admettre : ceo q est certain est un sort d enheritaunce, & appel e plusieurs lieux Customary, p o q le Tenant morant, & le Tenure esteant void, le pchein du sangue payat le customary Fine, ne polt estre denie destre admt.

Secondment, asc' Copyholders ont per Custodie les Boys crescant sur leur t're demesne, quel per le Ley ils ne poyent aver.

Tiercement, la sont Copyholders que tient p le Verge en Ancient demesne, & nient obstant ils dient per Copy, uncore ils sont en nature de Franktenants; car si tiel home fait Felony, le Roy ad an, jour, & vast, come en case de Franktenement. Aucun aut's tient per Common Tenure, appell' mere Copyhold, & s'ils commit Felony, leur terre jammes escheatera al Sur del Manor.

West. part. 1. l. 2. sect. 646. issint define un Copyholder; Tenant per Copy de Court-roll est celuy q est admt Tenant d aucun Tres ou Tenements deins un Manor, que temps ouster le memorie du home, p use & custom del dit

stomes of Manors are infinite, varying in one point or other almost in every several Manor.

First, some Copyhold is fineable, and some certain. That which is fineable the Lord rates at what Fine he pleases, when the Tenant is admitted unto it: that which is certain is a kind of inheritance, and called in many places Customary, because the Tenant dying, and the Hold being void, the next of blood, paying the customary Fine, cannot be denied admittance.

Secondly, some Copyholders have by Custome the woods growing upon their own Land, which by the Law they cannot have.

Thirdly, there are Copyholders that hold by the Virge in Ancient demesne, and although they hold by Copy, yet they are in nature of freeholders; so: if such a one commit Felony, the King hath the year, day, and waste, as in case of freehold. Some others hold by Common Tenure called mere Copyhold, and if they commit Felony, their Land presently escheats to the Lord of the Manor.

West. part. 1. l. 2. sect. 646. defines a Copyholder thus; Tenant by Copy of Court-roll is he who is admitted Tenant of any Lands or Tenements within a Manor, which time without the memory of man, by use and custom of the said Ma-

nor, have been vintable to such as will take the same in fee, fee-tail, for life, years, or at will, according to the Custom of the said Manor, by Copy of Court-roll.

Manor, ont este dimissable as tiels q̄ p̄derōt mesme ē fee, fee-taille, p̄ vie, ans, ou a volunt, accordant al Cuslome del dit Manor, per copy de Court roll.

Coraage.

Coraage is an Imposition extraordinary, growing upon some unusual occasion, and seems to be of certain Measures of Corn. *Bract. l. 2. c. 16. num. 6.* uses *Corus tritici* for a measure of Corn; and in the same Chapter, num. 8. hath these words: There are certain common Protestations, which are not called Services, neither do they arise from Custom, unless some necessary occasion happen, or that the King comes: such are Hildage, Coraage, and Caruage, and many others which are performed in cases of necessity, by the common consent of the whole Kingdom, and which appertain not to the Lord of the Fee; nor is he bound to acquit his Tenant thereof, unless he hath especially tied himself thereto by his own Deed.

Coraage.

Coraage est un Imposition nient ordinary, foudue sur asc' nient usuel chose & semble desre de certain Measures de Grain. *Bract. l. 2. c. 16. numb. 6.* use ceux parols, *Corus tritici*, desre ū mesure d Graine; & ē mesme le Caple, num. 8. ad ceux parols: *Sunt enim quedam communes Præstationes, que Servitia non dicuntur, nec de Consuetudine veniunt, nisi cum necessitas intervenerit, vel cum Rex venerit; sicut sunt Hidagia, Coraagia, & Caruagia, & alia plura de necessitate, & ex consensu communi totius Regni introducta, & que ad Dominum Fendi non pertinent; & de quibus nullus tenetur tenent' suum acquietare, nisi se ad hoc specialiter obligaverit in Charta sua.*

Cordwayner.

Cordiner or Cordwayner comes from the French Cordvannier, that is, a Shoemaker, from a kind of Leather which the French men call Cordovan. And it is a word much used in our

Cordwayner.

Cordiner vel Cordwayner venust cel Francois Cordvannier, id est, Sutor calcearius, a Corti genere quod Cordovan apud Gallos nominat. Et est ū pol mult use ē nostre
Sta.

Statutes, cōc ē 3 H. 8. c. 10. &
5 H. 8. c. 7. & 1 Jac. c. 22.

Statutes, as in those of 3 H. 8.
c. 10. 5 H. 8. c. 7. & 1 Jac. c. 22.

Cornage.

Cornage est un sort de Grand-Serjeanty, le Service d quel Tenure est, d vènier ū Cornu quāt asc' Invasion des enemies del Pais Arsiq est diserie. Et p c plusors hōes tiendront leur t're ē les pts Septentrionals, environ le Pariet cōmunemēt appel l'Pariet des Picts. Cam. Bri. p. 609.

Veies Littleton, fol. 35. ou dit, Que en le Marches de Escots asc' seignent del Rōy p Cornage, cestascavoir, per vènier ū Cornu, pur garner homes d Pais quant ils oyent que enemies veignent; quel Service est Grand Serjeanty.

Corodie.

Corodie est un Allowance de Meat, Pane, Boyer, Argent, Vestments, Lodging, & tiels choses necessary pur sustentance. Ceo asc' foits est certain, ou le certainty des choses limit; asc' foits uncertain, ou nest l mit certaintie que il aver.

Et asc' de eux commence p Graunt fait p asc' home al aut', & poet estre p vie, ans, c taile ou fee: & asc' Corodies sont de cōmon droit, sicome

Cornage.

Cornage is a kind of Grand Serjeanty; the Service of which Tenure is, to blow an Horn when any Invasion of the Northern enemy is perceived. And by this many Northward held their Land, about the Wall commonly called the Picts Wall. Camdens Brit. pag. 609.

See Littleton fol. 35. where he saith, That in the Marches of Scotland some hold of the King by Cornage, that is to say, by blowing a Horn; to warn the Country when they hear that the enemies will come; which Service is Grand Serjeanty.

Corodie.

Corodie is an Allowance of Meat, Bread, Drink, Money, Cloathing, Lodging, and such like necessities for sustentance. It is sometimes certain where the certainty of things is set down; sometimes uncertain, where the certainty is not set down which he shall have.

And some of them began by Grant made by one man to another, and it may be for life, years, in tall, or in fee: and some Corodies are of common right,

right, as every Founder of Abbeys and other Houses of Religion had authority to assign such in the same Houses, for Father, Mother, Cousin, or other that he would appoint, if it were a House of Monks; and if he were Founder of a House of Nuns, then for his Mother, Sister, or other woman: and always this was provided for, that he that had a Corodie in a House of Monks might not send a woman to take it; nor where Corodie was due in a Nunnerie, there it was not lawful to appoint a man to receive it; for in both cases such Presentation was to be rejected. And this Corodie was due as well to a common person Founder, as where the King himself was Founder. But where the House was holden in Frankalmoigne, there the Tenure it self was a discharge of Corodie against all men, except it were afterward charged voluntarily; as when the King would send his Writ to the Abbot for a Corodie for such a one, whom they admit, there the House should be thereby charged for ever, whether the King were Founder or not. See the Writ of Corodio habendo in Fitzh. Nat. Brev. fol. 230.

chesc Founder d'Abbeys & aut's Measons d'Religion Papistlick avoyent authoritie d'assigner e mesme les Measons, p son Pere, Frere, Cousin, ou aut' q il vok, sil sult un Meason de Moignes; & si il soit Founder del Meason de Nuns, donques ceo p sa mere, Soer, ou aut' mulier: & tous jours cest proviso sult, q il q ad Corodie e un Meason de Moignes, ne duist mitter un feme de prendre ceo, ne ou Corodie sult due en un Nunnerie, la il ne sult loyal d'appointer un home de recevoir ceo; car en ambideux cases tiel Presentation sult destre reject. Et cest Corodie sult due cyblen a un comon pson Founder, sicome ou le Roy m sult Founder. Mes ou le Meason sult tenuz en Frankalmoigne, la le Tenure m sult un discharge d Corodie encounter tous homes, sinon q il sult aps charge volontarimr; cde ou le Roy voit mitter son Bfe al Abbey p un Corodie p un tiel, le que ils admit, la le Meason doit este charge p ceo a tous jours, si le Roy soit Founder ou nemy. Veles Brief de Corodio habendo en Fitzh. Nat. Brev. fol. 230.

Coroners.

Coroner est un ancien Of-
ficer de trust, & de grand
authority, ordeine desirer un
principal Cōservator ou gar-
dian d le Peace, a port record
des Plees del Corone, & del
son view demesne, & de divers
aut's choses, &c. Et p ceo en
temps de Ed. 1. fult enact q,
Par ceo q petit gentes meins
sages soyent eslieus ore d no-
vel communefit al Office del
Coroner, ou mestier serroit q
pbes hōes, loyals, & sages,
se entremellant d cel Office;
purview est. Que p tous les
Counties soient eslieus suffi-
cient hōes Coroners, d plus
loyals & plus sages Chiva-
lers, q mieulx sachant, puis-
sent & voient a cel Office
entender, & q loyalsnt utra-
chent & representent les
Plees del Corone.

Et nient obstant le letter
de cest Statute ne soit pelli-
ment observe, uncor al meins
l'entent doit estre pursue cy
pres come poit; issint q par
le default des Chivalers &
Gentlemen, furnished ove-
riels qualiries sicō le Statute
parle, (de que ils y ad divers)
autres poient este eslieu, ove
cest addition, que ils soyent
veruous & bone Christians.
Veies de ceo en le B're de co-
ronatore eligendo, in Fitzh. N.
B. fol. 163.

Coroner.

Coroner is an ancient Officer
of trust, and of great autho-
rity, ordained to be a princi-
pal Conserbator or keeper of
the Peace, to bear record of the
Pleas of the Crown, and of
his own view, and of others
other things, &c. And therefore
in the time of Ed. 1. it was en-
acted that, Forasmuch as mean
men and indifferēt now of late
are commonly chosen to the Of-
fice of Coroner, where it is re-
quisite that wise men, laboul,
and able, should execute such
Offices; it is provided, That
through all Shires sufficient
men shall be chosen to be Coro-
ners, out of the most wise and
discreet Knights which best
know, can and will attend this
Office, and which faithfully
will make and represent the
Pleas of the Crown.

And although the letter of
this Statute be not precisely
observed, yet at least the intent
should be followed as nigh as
might be; so that for the default
of Knights and Gentlemen,
furnished with such qualities as
the Statute leys down, (of
which sort there are many)
others might be chosen, with
this addition, that they be ver-
tuous and good Christians. See
hercof in the B're de Coronato-
re eligendo, in Fitzh. Nat. Brev.
fol. 163.

When

When the Coroner is to enquire of the death of any person, or to do other thing concerning his Office, he ought to do it in person; and upon the sudden death of any one, he himself ought to see the dead body when he makes enquiry, or otherwise the enquiry is not good; for if he will enquire of any dead person without view, this is without authority, and so void. And if the body be buried before his coming, he ought to record it in his Rolls, to the intent that the Town where the burying was should be amerced for it before the Justices in Eyre, upon the sight of the Coroners Rolls. And notwithstanding the Coroner ought to take up the body out of the ground, and make the enquiry upon view of the body, as he should do if it had not been buried: and the Town shall also be amerced, if they suffer it to lie on the ground to putrifie or sink, without sending to the Coroner. And if the Coroner be negligent in coming to do his office, after the Bayliffs or Countrey-men have sent for him, he shall be punished.

Although by the Law the Coroner cannot enquire of any felony, but the death of a man; yet it hath been said, that in Northumberland they enquire of all felonies; but this authority they maintain by Prescription. If a man be killed or drowned in the arms or creeks of

Quant le Coroner est d'enquiere del mort d' aucun person, ou faire aut' chose concernant son Office, il doit ceo faire en person: & sur le subit mort d' aucun, il meisme doit veyer le mort corps quant il fait enquirie, ou autrement l' enquirie nest bone; car sil voile enquierer d' aucun mort person sans luy veyer, cest sans authoritie, & issint void. Et si le corps soit enterre devant son venu, il doit ceo Recorder en ses Rolles, al entent q' le Ville ou l'enterrement fust fait serra amercee pur ceo devant les Justices en Eyre, sur le view des Rolles del Coroner. Et nient meins le Coroner doit desover le corps hors d' terre, & prendre l'enquirie sur view del corps, come il ferroit sil navoit este enterre: & la ville serra aux' amercee, sils suffront luy giser sur la terre a putrefaction ou grand ordeur, sans mander al Coroner. Et si le Coroner soit negligent en venir a faire son office, apres que les Bayliffs, ou homes de Pais ont mande p' luy, il serra punie.

Cesūt p le Ley q' Coroner ne puit enquierer d' asc' Felonie, fors q' de mort de home; tamen ad este dit, que ē Northumberland ils enquiront de tous Felon; mes cel authoritie ils maintiennent per Prescription. Si hōe soit occise ou merge ē les braches ou saules del

del mere, lou home poit veier terre de un part & de autre, le Coroner enquirera de ceo, & nemy l' Admiral, pur ceo que le Pais poit bien de ceo aver conufance.

Mes le Coroner del hostel le Roy ad un exempt jurisdiction deins le Veirge, & le Coroner del Countie ne poit entermeddle deins c; sicome le Coroner del hostel ne poit entermeddle deins le Countie hors del Veirge.

Si le Demandant ou Plainriff soit non-sute, ou si Judge-ment soit done vers le Tenant ou Defendant, ou semblables, les Justices ne unques assesseront asc Amerciamet, mes le Clerks des Garrants fait Escreats de eux, & deliver eux aux Clerks de Assise deins chesc' Circuit, a deliver eux al Coroners en chesc' Countie, d' asserrer ou asseller l'Amerciamets, p ceo q ils sont pense plus indifferent, en tant q ils sont elect p tout le Countie.

Si un Approver dit, que il commence son Appeale devat le Coroner p Dures, ceo serra trie p le Coroner; & si le Coroner ceo denie, l' Approver serra pendus. Per queux cases il appiert, q le Ley done grand credance & authorite al Coroners.

the Sea, where a man may see land from the one part to the other, the Coroner shall enquire thereof, and not the Admiral, for that the Countrey may well have knowledge thereof.

But the Coroner of the Kings house hath an exempt jurisdiction within the Veirge, and the Coroner of the Countie cannot intermeddle within it; as the Coroner of the house cannot intermeddle within the Countie out of the Veirge.

If the Demandant or Plainriff be non-suited, or if Judgment be given against the Tenant or Defendant, or such like, the Justices never assess any Amerciament, but the Clerk of the Warrants makes Escreats thereof, and delivers them to the Clerks of Assise within every Circuit, to deliver them to the Coroners in every Countie, to assere or assess the Amerciaments, because they are thought most indifferent, so much as they are chosen by the whole Countie.

If an Approver saith, that he began his Appeal before the Coroner by Duresse, this shall be tried by the Coroner; and if the Coroner denies it, the Approver shall be hanged. By which cases it appears, that the Law gives much credit and authority to Coroners.

Corporation.

Corporation is a permanent thing, that may have succession: And it is an Assembly and joyning together of many into one Fellowship, Brotherhood, and mind, whereof one is Head and chief, the rest are the Body; and this Head and Body knit together make the Corporation. And of Corporations, some are Spiritual, some Temporal: and of Spiritual some are Corporations of dead persons in Law, and some otherwise; and some are by authority of the King only, and some have been of a mixt authority.

And of those that are Temporal, some are by the authority of the King also, and some by the Common Law of the Realm.

Corporation Spiritual, and of dead persons in the Law, is where the Corporation consists of an Abbot and Convent, which had beginning of the King, and the Pope when he had to do here.

Corporation Spiritual, and of able persons in Law, is, where the Corporation consists of a Dean and Chapter, Master of a Colledge or Hospital; and this Corporation had beginning of the King only.

Corporation Temporal by the King is, where there is a Mayor and Commonalty.

Corporation.

Corporation est une chose permanente, qui peut avoir succession: Et est un Assembly & joyning ensemble de divers en une Fellowship, Fraternité, & ment, de qui un est le Tête & principal, les autres sont le Corps; & cest Tête & Corps joynt ensemble font le Corporation. Et de Corporations, ascunes sont Spirituelles, ascunes Temporales; & de Spirituelles, ascunes fuiront Corporations de mort personnes en Ley, & ascunes autrement; & ascunes sont par authority del Roy seulement, ascunes ont esté d'un mixte authority.

Et de ceux queux sont Temporal, ascunes sont par authority de Roy auxy, & ascunes per le Common Ley del Royalm.

Corporation Spiritual, & de mort persons en le Ley, est lou le Corporation consist de un Abbe & Convent, queux ont leur commencement del Roy, & le Pape, quant il y ad a faire cy.

Corporation Spiritual, & de able persons en Ley, est, lou le Corporation consist de un Dean & Chapter, Master del Colledge ou Hospital; & cest Corporation ad commencement de Roy seulement.

Corporation Temporal per le Roy est un Mayor & Communauté.

Cor-

Corporation Temporal p authoritie del Common Ley est le Assembly en Parliament, le quel consist del Roy, le Tesle del Corporation; les Seignours Spirituals & Temporals, & les Commons del Royalm, le Corps del Corporation.

Corporation Temporal by authority of the Common Law is the Assembly in Parliament, which consists of the King, the Head of the Corporation; the Lords Spiritual and Temporal, and the Commons of the Realm, the Body of the Corporation.

Corps politique.

Corps politiq; sont Evesqs, Abbés, Priors, Deans, Parsons d'un Eglise, & tiels semblables, queux ont succession en un pson solemnt.

Si terre soit done al Maior & Communalte p leur vies, ils ont Estate p entendement nient determinable. Issint est si ffeoffmt soit fait de terre al Deane & Chapter, sans parlance de Successors. Release d'un Maior p aucun somme de argent due al Corporation en son noime demesne nest bone en Ley. En case de un sole Corporation, ou Corps politique come Evesque, Parson, Vicar, Master d Hospital, &c. nul Chattel ou en Action ou possession alera en succession, mes les Executors ou Administrators del Evesq, Parson, &c. eux avera; car Succession e corps politiq est cœ enheritance en case d'un corps private. Mes autrement en case d'un Corporation aggregate de plufors, come Deane & Chapter, Maior & Communal-

Bodies politick.

Bodies politick are Bishops, Abbots, Priors, Deans, Parsons of Churches, and such like, which have succession in one person only.

If land be given to a Maior and Commualty for their lives, they have an Estate by intendment not determinable. So it is if a feoffment be made of land to a Deane and Chapter, without speaking of Successors. Release of a Mayor for any summe of money due to the Corporation in his own name is not good in Law. In case of a sole Corporation, or Body politick, as Bishop, Parson, Vicar, Master of Hospital, &c. no Chattel either in action or possession shall go in succession, but the Executors or Administrators of the Bishop, Parson, &c. shall have them; for Succession in a Body politick is as Inheritance in case of a body private. But otherwise is in case of a Corporation composed of many, as a Deane and Chapter, Mayor and Commu-

nalty, and such like; for there they in judgement of the Law never die.

Yet the case of the Chamberlain of London differs from all these, and his Successors may in his own name have Execution of a Recognisance acknowledged to his Predecessor for Orphanage money: and the reason is, because in this case the Corporation of the Chamberlain is by Custom, and the same Custom that hath created him, and made a Corporation in Succession, as to the said special purpose concerning Orphanage, hath enabled the Successor to take such Recognisances, Obligations, &c. that are made to his Predecessor. And this Custom is founded upon great reason; for the Executors or Administrators of the Chamberlain ought not to intermeddle with such Recognisances, Obligations, &c. which by the said Custom are taken in the corporate capacity of the Chamberlain, and not in his private. But a Bishop, Parson, &c. or any sole Corporation, that are Bodies politick by prescription; cannot take a Recognisance or Obligation, but only to their private, and not in their politick capacity: for they want Custom to take a Chattel in their politick or corporate capacity.

tie, & semblables; car la ils è judgment del Ley ne unques devloint.

Uncoir le case del Châberlain d' Londres differt d' tous ceux, & son Successeur poit è son nisme demesne aver Execution d' un Recognisance conuist a son Predecessor p' Orphanage money: & le reason est, p' ceo q' è cest case le Corporation del Chamberlain est per Custom, & m' le Custom q' ad luy create, & fait u' Corporation è Succession quant al dit special purpose concernat Orphanage, ad enable le Successeur a p'ndre tiels Recognisances, Obligations, &c. que sont faits a son Predecessor. Et tiel Custom est foundue sur grand reason; car les Executors ou Administrators del Chamberlain ne dolent entremedde ove tiels Recognisances, Obligations, &c. queux p' le dit Custom sont prise è le corporate capacity del Chamberlain, & nemy è son private. Mes Evêque, Parson, &c. ou asc' sole Corporation, q' sont Corps politique p' prescription ne poyent prendre Recognisance ou Obligation, mes seulement a leur private, & nemy è leur politique capacity; car la fault Custom a prendre Chattel en leur politique ou corporate capacity.

*Corpus cum Causa, vel
Habeas Corpus.*

Corpus cum Causa est un Brief issuant hors del Chancery, a remover tant le corps q le Record del Cause d aucun home en Execution sur Judgement pur Debt, en Banque le Roy, &c. cy remaner donq; il ad satisfie le Judgement. *Firzh. Nat. Brev. fol. 251. e.*

Ceo gist auxi a remover un acco hors des inferior Courts de Record en aucuns Court del ley en *Westm.*

Corruption de Sanke.

Corruption de Sanke est, quant asc' est attainr de Felony ou Treason, donques son Sanke est dit destr' corrupt; p raison de quel ses enfants, ne asc' d son sanke, ne poient estre heires a luy, ne al aucun auter Ancestor, pur ceo q ils doyent claime per luy. Et sil fult Noble ou Gentlehome devant, il & tous les enfans p ceo sont faits ignoble & ungentle, ayant regard al Nobilitie ou Gentry ils claime p leur pere, q ne poit estre fait sane arere p Grant le Roy sans autoritie d Parliament.

*Corpus cum Causa, or
Habeas Corpus.*

Corpus cum Causa is a Brief issuing out of the Chancery, to remove both the body and the Record of the Cause of any man lying in Execution upon a Judgement for Debt, into the Kings Bench, &c. there to lie till he have satisfied the Judgement. *Firzh. Nat. Brev. fol. 251. e.*

It lies also to remove any Action from inferior Courts of Record into any of the 3 Courts in *Westm.*

Corruption of Blood.

Corruption of Blood is, when any one is attainted of Felony or Treason, then his Blood is said to be corrupt; by means whereof neither his children, nor any of his blood, can be heirs to him, or to any other Ancestor, for which they ought to claim by him. And if he were a Noble or Gentleman before, he and all his children are made thereby ignoble and ungentle, having regard to the Nobility or Gentry they claim by their father, which cannot be restored by the Kings Grant, without authority of Parliament.

But

But if the King will pardon the offender, it will cleanse the corruption of the Blood of those children which are born after the Pardon, and they may inherit the land of their Ancestors purchased at the time of the Pardon, or afterwards; but so cannot they who were born before the Pardon. Also he that is attainted of Treason or Felony shall not be heir to his father: but this disability shall hinder others to be heir, so that during his life the land shall rather escheat to the Lord of the Fee, then descend to another.

But if he who is attainted, dies without issue of his body, during the life of his Ancestor, then his younger Brother, Sister, or Cousin shall inherit: for if the eldest Son be hanged, or abjure the Realm for Felony, during the life of the Father, it is no impediment but that the youngest Son may inherit. 27 Edw. 3. c. 77. And if he who is attainted of Treason or Felony in the life of his Ancestor, purchase the Kings Pardon before the death of his Ancestor, yet he shall not be heir to the said Ancestor, but the Land shall rather escheat to the Lord of the Fee by the Corruption of blood 26 Ass. pla. 2. But if the eldest Son be a Clerk convicted in the life of his Father, and after his Father dies; in this case he shall inherit his Fathers Land, because he was not attainted of

Mes si le Roy voile pardon l'offendor, il voile purger le Corruption del Sanke destiels Issues queux sont nee puis le Pardon, & ils poyent inherier le terre de leur Ancestor purchase al temps del Pardon, ou apres; mes issint ne poyent ils queux fueront nee devant le Pardon. Auxy il q est attaint de Treason ou Felonie ne serra heir a son pere: mes cest disability esloppera auters desre son heir, issint que durant son vie le terre potius eschetera al Seignour del Fee, que descend al auter

Mes si il que est attaint morust sans Issue de son corps, durant le vie son Ancestor, donque son puisne Frere, Soer, ou Cousin inheritera: car si leigne firs soit pendus, ou abjure le Terre p Felonie, durant le vie le Pere il nest impedimnt mes que le puisn firs puit inherier. 27 Ed. 3. c. 77. Et sil que est attaint de Treason ou Felonie en le vie de son Ancestor, purchase le Pardon le Roy devant le mort son Ancestor, uncore il ne serra heir al dit Ancestor, mes la Terre potius eschetera al Seignour del Fee par le Corruption del sanke, 26 Ass. placit. 2. Mes, si leigne firs soit Clerk convict en le vie son Pere, & puis son Pere morust; en cest case il inheritera la Terre son Pere, pur ceo que il ne soit attaint de Felonie

Felonie; car p le Common Ley il serroit inherit puis q il ad fait son Purgation. Et jammes per le Stat. de 18 Eliz. cap. 6. il serra subit enlarge puis le arser en le maue; & deliver hors de prison, & nient commie al Ordinary a falr son Purgation; mes il est en mesme plite come il ad fait son Purgation.

Si home que ad Terre en droit la feme ad issue, & son Sank est corrupt per Attainder de Felony, & le Roy luy pardon; en cest case, si le feme morust devant luy, il ne serra Tenant per le courtesie, pur le Corruption del sank de cel issue. Mes autrement est fil ad issue puis le Pardon; car donque il serra Tenant, nient obstant que le issue que il avoit devant le Pardon ne soit inheritable. 13 H. 7. c. 17.

Si home seisse de Terre ad issue deux firs, & leigne est attaint en le vie son Pere de Felonie, & pur ceo execute, ou autrement morust durant le vie de son pere, & puis le pere morust seisse; le Terre descendra al puisne firs, come Heire a son pere, si leigne firs nad issue donques en vie. Mes si le eigne firs, que suit attaint, ad ascun issue en vie, que inheritera mes pur le attainder; le Terre eicheatera al Seignior,

felony; for by the Common Law he should inherit after he had made his Purgation. And now by the Statute of 18 El. cap. 6. he shall be forthwith enlarged after burning in the hand, and delivered out of prison, and not committed to the Ordinary to make his Purgation; but he is in the same case as if he had made his Purgation.

If a man that hath Land in right of his wife hath issue, and his Blood is corrupt by Attainder of Felony, and the King pardons him; in this case, if the wife dies before him, he shall not be Tenant by the courtesie, for the corruption of the blood of that issue. But it is otherwise if he hath issue after the Pardon; for then he shall be Tenant, although the issue which he had before the Pardon be not inheritable. 13 H. 7. c. 17.

If a man seised of Land hath issue two sons, and the eldest is attainted in the life of his Father of Felony, and therefore executed, or otherwise dies during the life of his Father, and after the Father dies seised; the Land shall descend to the youngest son, as Heir unto his Father, if the eldest son hath no issue then alive. But if the eldest son, who was attaint, hath any Issue alive, which should have inherited but for the Attainder; the Land shall escheat to the Lord, and shall not descend

descend to the youngest brother, because the Bloud of the eldest brother is corrupt. 32 H. 8. Dy. 48.

But it is to be noted, That there are divers things made Treason by Act of Parliament, whereof although a man be attainted, yet his Bloud is not corrupt, neither shall he forfeit any thing, but that which he hath for his own life; As if a man be attainted upon the Statute of 5 Eliz. cap. 1. ordained against the maintaining of the authority of the Bishop and See of Rome, this shall not extend to make any Corruption of bloud, the disinheritance of any Heir, forfeiture of any Dowry; nor to the prejudice of the right or title of any person, other then the Offendor during his natural life only.

So if a man be attainted by force of the Statute of 5 Eliz. cap. 11. provided against the clipping, washing, filing, and rounding of Money, yet there is no Corruption of bloud. In the same manner is it of the Statute of 18 Eliz. cap. 1. 1 Jac. cap. 12. 1 Mar. cap. 12. against Unlawfull assemblies, and 5 Eliz. cap. 14. against the forging of evidence; and the Statute of 31 Eliz. c. 4. against the Embezzling of the Queens Ordnance, Armour, or Artillery.

& ne descendera al puisue frere, pur ceo que le Sank del eigne frere est corrupt, 32 H. 8. Dy. 48.

Mes est desire observe, Que la sont aucuns choses fait Treason per Act de Parlement, de queux comit q hōe soit attaint, uncore son Sanke nest corrupt, & il forfeitera riens, forsque ceo que il ad pur son vie demesne: Come si home soit attaint sur le Stat. de 5 Eliz. cap. 1. ordeigne envers le maintenance del authoritie del Evesque & See de Rome, ceo ne extendra a faire aucun Corruption de sanke, le disinheritance dasc' Heire, forfeiture dasc' Dowry, ne al prejudice del droit ou title dasc' pson, aut' q le Offendor durāt son natural vie solement.

Issint si home soit attaint per force del Statute de 5 Eliz. ca. 11. pvide encounter le Clipping, washing, filing, & rounding de Argent, uncore la nest aucun Corruption de sanke. En m le manner est del Stat. de 18 Eliz. cap. 1. 1 Jac. cap. 12. 1 Mar. ca. 12. encounter illoyal assemblies; & 5 Eliz. ca. 14. encounter le Forger de fals; & le Stat. de 31 Eliz. cap. 4. encounter le Embeazziling le Ordnance. Armour, & Artillerie le Roigne.

Corse present.

Corse present sont parols significant un Mortuarie; & le reason p q le Mortuarie est issint appel est, pur ceo q ou un Mortuarie soloit deslire due, le Corps del mieux des Avers fait, solong; le Ley ou Custome, offer ou present al Prieestre. Veles an. 21. H. 8. c. 6. ou enter aut' choses est enact, Que nul Mortuary ne Corse present, ne aucun sum d argent, ou autre chose, pur aucun Mortuarie ou corse present, ferra demaund, receive, ou ad, mes solement en tiels lieux & Villes ou Mortuaries ont esire accoustome deslire prise & pay.

Cosinage.

Cosinage est un Brief q gift jou mon Beisayel, mon Tresayel, ou aut' Cousin, devie seisie la Fee-simple, & un Estranger abata, cest adire, ent' en les Ties; donques jéo avera vers luy cest Brief, ou envers son Heire, ou son Alienee, ou envers q-
cunq; que aveigū apres a les dis Ties. Mes si mon Aiel devie seisie, & un Estranger abate; donques jéo avera un Brief de Aiel. Mes si mon Pere, Mere, Frere, Soer, Uncle, ou Aunt, devie seisie,

Corse present.

Corse present art words Ag-
nifying a Mortuary; and the reason why the Mortuary is so termed, is, because where a Mortuary was wont to be due, the Body of the best Beast was, according to the Law or custome, offered or presented to the Priest. Per Anno 21 Hen. 8. ca. 6. whete among other things it is enacted, That no Corse present, nor any summe of money, or other thing, for any Mortuary or Corse present, shall be demanded, received, or had but only in such places and Towns where Mortuaries have been accustomed to be taken and paid.

Cosinage.

Cosinage is a writ that lies where my great Grandfather, my Grandfather's Grandfather; or other Cousin, dies seised in Fee-simple, and a Stranger abates, viz. enters into the Lands; then I shall have against him this writ or against his Heir, or his Alienee, or against whosoever comes after to the said Lands: But if my Grandfather die seised, and a Stranger abates; then I shall have a writ of Aiel. But if my Father, Mother, Brother, Sister, Uncle, or Aunt die seised,

seised, and a Stranger abates; then I shall have an Aflise of Mortdauncester.

& un Esfranger abata; donques jeo avera un Aflise de Mortdauncester.

Cottage.

Cottage is a little House for habitation of poor men, without any Land belonging to it, whereof mention is made in the first Statute made in 4 E. 1. And the inhabitant of such a house is called a Cottager. But by a Statute made in the 31 year of Queen Eliz. cap. 7. no man may build such a Cottage for habitation, unless he lay unto it four acres of Freehold-land; except in Market-Towns or Cities, or within a mile of the Sea, or for habitation of Labourers in Mines, Dailors, Foresters, Shepherds, &c.

Coucher.

Coucher is a Factor who continues in some place or Countrey for traffick. an. 37 E. 3. c. 16. It is also used for the general Book into which any Corporation enters their particular Bills for a perpetual remembrance of them.

Cottage.

Cottage (*Cotagium*) est un petite Meason pur le habitation des povers homes, sans asc' Terre a ceo apptenant, d'ot mēcion est fait en le prīmū Stat. fait ē 4 E. 1. Et le inhabitant en tel meason est appelle un Cottager. Mes p un Stat. fait en 31 le Roigne Eliz. ca. 7. nul hōe pōit edifier tel Cottage pur habitation, sinon q' li fait gliser a ceo quat' acres de Terre de Franktencmēt; except ē Cities & Market-Boroughs; ou deins un mille d'el Mere, ou p' le habitation des Laborers en Mines, Sallers, Foresters, Pastors, &c.

Coucher.

Coucher est un Factor que remain en asc' lieu ou Pais p' chivisance. An. 37 E. 3. c. 16. Il est auxy use p' le common Livre en que ascūi Corporat' entrast leur particular Faltes pur un perpetual register de eux.

Covenable,

Covenable est un pol François q̄ signifie convenient ou suttable, come Covenably endowed, An. 4 H. 8. c. 12. Ceo est anciēmet escri convenable, cōc ē le Stat. 27 Ed. 3. St. 2. c. 17.

Covenant,

Covenant est un Agreeēt fait p̄ Fait en escript, & ensele penter deux persons, lou chesc' de eux est tenuis al auter de performes certajne Covenants pur son part; & si lun de eux ne tient passe son Covenant, le auter vaera ent un Brief de Covenant.

Et Covenants sont ou en Ley, ou en Fait, Cok. lib. 4. fol. 80. ou Covenant expresse, & Covenant en Ley, Cok. lib. 6. fol. 17. Un Covenant en Ley est ceo q̄ le Ley entend destre fait, nient contresleant que en parols ne soit expresse: Cōc si home demise un chose al aut' p̄ un certain t'me, le Ley entende un Covenant del pt le Lessor, que le Lessee tiendra tout son terme enconter tout loyal encumbrance. Covenant en Fait est ceo que expressement est agree penter les parties.

Covenable.

Covenable is a French word signifying Convenient or suttable; as Covenably endowed, Anno 4 H. 8. ca. 12. It is anciently written convenable, as in the Stat. 27 Ed. 3. Stat. 2. ca. 17.

Covenant.

Covenant is an Agreement made by Deed in writing, and sealed between two persons, where each of them is bound to the other to perform certain Covenants for his part; and if the one performs not his Covenant, the other shall have thereupon a Writ of Covenant.

And Covenants are either in Law, or in Fact, Cok. lib. 4. fol. 80. or Covenant expresse, and Covenant in Law, Cok. lib. 6. fol. 17. A Covenant in Law is that which the Law intends to be done, though it be not expresse in words: As if a man demise any thing to another for a certain term, the Law intends a Covenant of the part of the Lessor, that the Lessee shall hold all his term against all lawfull incumbrances. Covenant in Fact is that which is expressly agreed between the parties.

Also there is a Covenant merely personal : and Covenant real. Fitzh. Nat. Brev. f. 145. seems to say, that Covenant real is, whereby a man ties himself to pass a thing real, as Lands or Tenements; as a Covenant to levy a fine of Land : Covenant merely personal is, where a man covenants with another by Deed, to build a house, or to serve him. See the old Book of Entries, the third Covenant.

But note well, That no writ of Covenant shall be maintainable without especialty, except in the City of London, or in some other place privileged by custom and use.

Coverture.

Coverture is, when a man and a woman are married together; now whatsoever is done concerning the wife in the time of the continuance of this Marriage, is said to be done during the Coverture, and the wife is called a Woman covert, and thereby is disabled to contract with any one, to the prejudice of her self or her husband, without his consent and privy, at the least without his allowance and confirmation. See Brook this Title. And Bract. saith, That all things that are the wife's, are the husbands, neither hath the wife power of her self, but the husband, lib. 2. cap. 15. and

Auxy la est Covenāt meermē psonal, & Covenāt real. Fitz. Nat. Brev. fol. 145. semble adire, que Covenāt real est, p q hōe luy oblige de passer un chose real, come Terres ou Tenements; sicome Covenāt d' levier un Fine de Tfe, Covenāt meermēnt psonal est, ou home covenant ove auter per fait, de edifier un meason, ou de server luy. Veies le veil Livre de Entries, verbo Covenāt.

Mes nota bien, Que nul Bfe de Covenant serra maintainable sans especialty, sinon en le City de Londres, ou en aucun auter riel lieu privilege p custome & use.

Coverture.

Coverture est, quāt un home & un feme sont espouse ensemble; ore asc' chose que est fait concernout la feme en le temps de le continuance d cest Marriage, est dit desre fait durant le Coverture, & le feme espouse est appel un Feme Covert, & p ceo disable d contracter ove aucun, al pjudice de sa mesm ou sa baron, sans son consent ou privy, al meins sans son allowance ou confirmation. Veies Brook cest Title. Et Bracton dit, Que tous choses q sont la femes, sont le barons, nec ad la feme poyar de sa mesme, mes le baron, lib. 2. cap. 15. & que

que le baron est le teste sa femme, lib. 4. cap. 24. & arere, que en aucun Chose legal el ne poit responder sans sa baron, lib. 5. tract. 1. cap. 3. Et si le baron alien le Terre sa femme durant le Coverture, el ne poit ceo dedire e le vie sa baron.

the husband is the head of his wife, lib. 4. cap. 24. and again, that in any *Law-matter* she cannot answer without her husband, lib. 5. tract. 1. cap. 3. And if the husband alien his wife's Land during the Coverture, she cannot gain-say it during his life.

Covin.

Covin est un secret Assent determine en le les cœurs de deux ou plusors, al prejudice dun auter : Come si Tenant p terme de vie, ou Tenant en le taile, secretmit conspire ove un auter, que l'auter recouvrera vers le Tenant pur vie le Terre que il tient &c. en prejudice de ce-luy en le Reversion.

Ou si Executor ou Administrator pmit Judgments destre enter envers luy p fraud & plead eux al obligation, ou si aucun fraudulent assignmit ou conveyance soit fait, la party greivè poet plead Covin & relieve luy mesm. See the Stat. 2 R. 2. c. 3. 3 H 7. c. 4. 13 El. c. 5. & 27 El. c. 4.

Covin is a secret Assent determined in the hearts of two or more, to the prejudice of another : As if a Tenant for term of life, or Tenant in tail, will secretly conspire with another, that the other shall recover against the Tenant for life the Land which he holds, &c. in prejudice of him in the Reversion.

Or if an Executor or Administrator permit Judgments to be entered against him by fraud, and plead them to a bond, or any fraudulent assignment or conveyance be made, the party grieved may plead covin and relieve himself. Vid. Stat. 2 R. 2. cap. 3. 3 H. 7. ca. 4. 13 El. c. 5. and 27 El. 4.

Count.

Count est tant come l'original Declaratiō e un Proces, uncoř plus tost use e real q psonal Actiōs; come Declaratiō est plus apply al psonal

Count.

Count is as much as the original Declaration in a Proceſſe, though more used in real than personal Actions; as Declaration is more applied to personal

personal than real. F. N. B. 16. a. 60. d. n. 71. a. 191. c. 217. **L**ibel with the Civilians comprehends both. Per Count and Declaration are confounded sometimes; as Count in Debt, Kitch. 281. Count or Declaration in Appeal, Pl. Cor. 78. Count in Trespass, Brit. cap. 26. Count in Action of Trespass upon the Case for a Slander, Kitch. 252. Countours have been taken for such as a man retains to speak for him in any Court, as Advocates; and Pledeurs to be another sort, as Attorneys for one that is present himself, but suffers another to speak for him. Countours, according to M. Horne, are such Sergeants skilful in the Law, which serve the common people to defend their Actions in Judicature for their fee.

Countee.

Countee (so called a comitando, because they accompany the King) was the most eminent and high dignity from the conquest, untill the 11 year of King Ed. 3. when the Black Prince was created Duke of Cornwall: and those who of ancient time were created Countees, were of the Blood-Royal; and at this day the King in all his appellations stile them by the name of Our most dear Cousin. And for these causes the Law gives them high and great Pri-

que real. F. N. B. 16. a. 60. d. n. 71. a. 191. c. 217. a. Libel ove les Civilians comprehend abideum. Et uncof Count & Declaration sont asc' foits confound; cōe Count en Det, Kitch. 281. Count ou Declaration en Appel, Pl. Cor. 78. Count en Tréspas, Brit. c. 26. Count & Action de Trépas sur le Case p Slander, Kitch. 252. Countours ad esse prise pur tiels queux home receive de pler p luy en asc' Court, come Advocates; & Pledeurs desli un auter sort, come Attornies pur un que est present en pson, mes souffre un auter a dire pur luy. Countours, p M. Horne, sont tiels Setgears erudite & les Leyes, que servont les laye gents de defender lour Actions en Judicature pur leur fee.

Countee.

Countee dicitur a comitandō, quia comitantur Regem; & fuit le plus eminent & supreme dignité del Conquest, jefque le unzisme an del Roy Ed. 3. ou le Black Prince fuit create Duke de Cornwall: & ceux q de anciēt temps fuerōt create Countees, fueront de Sanke-Royal; & jefq; a cest jour le Roy en tous ses appellations stile eux p le nosme Charissimī consanguinī nostrī. Et p ceux causes le Ley dōc a eux haut & grād Pri-

Privileges; & pur ceo leur corps ne serra arrest p Det, Trns, &c. p ceo q le Ley entend q ils assistent le Roy ove leur counsell p le weale publique, & gardont le Royalm en safetie per leur prowesse & valour. Auxy pur mesme le cause ils ne serf mise en Juries, coment q ceo soit pur le service del Pais. Et si issue soit prise, si le Plaintiff ou Defendant soit un Countee ou nemy, ceo ne serra trie p Pais, mes p le Brief le Roy.

Auxy le Defendant navera jour de grace vers le Seigniour del Parllament, pur ceo que il est intend d attendre le publique. Et d ancien temps le Countee fuist *Præfectus*, seu *Præpositus Comitatus*, & ad le charge & custodie del Countie: & ore le Viscount ad tout l'autoritie p administration & execution de Justice que le Countee avoit, *Cok. lib. 9. fol. 49.* & p ceo est appelle *Viscount*.

Countenance.

Countenance semble desire use pur Credance ou Esteeme. *Viel N. B. 111.* In ceux pols; L' Attrait serra grantus as povers hōes q pondront leur serement que ils ont reins de q ils poyent faire leur Fine, ouster leur Countenance. En mesm le manner

biledges; and therefore their body shall not be arrested for Debt, Trespasse, &c. because the Law intends that they assist the King with their counsel for the publick good, and keep the Realm by their prowess and valour. Also for the same cause they shall not be put in Juries, although it be for the service of the Countrey. And if issue be taken, whether the Plaintiff or Defendant be a Countee or not, this shall not be tried by the Countrey, but by the Kings Writ.

Also the Defendant shall not have a day of labour against a Lord of the Parliament, because he is intended to attend the publick. And of ancient time the Countee was *Præfectus*, or *Præpositus Comitatus*, and had the charge and custody of the Countrey: and now the Sherif hath all the authority for administration and execution of Justice which the Countee had, *Cok. lib. 9. fol. 49.* and therefore he is called *Viscount*.

Countenance.

Countenance seems to be used for Credit or Estimation. *Old. Nat. Brev. 111.* In these words; The Attrait shall be granted to poor men that will take their oaths they have not any thing whereof to make their Fine, saving their Countenance. In the same manner

it is used 1 Edw. 3. Stat. 2. cap. 4. in these words; Sheriffs shall charge the Kings Debtors with as much as they may levy with their oaths, without abating the Debtors Countenance.

est use 1 Ed. 3. Stat. 2. cap. 4. en ceux pols; Viscounts chargeront le Debtors le Roy overant; q'ils payent levier ove leur seremens, sans abatement del Countenance des Debtors.

Countermand.

Countermand is, where a thing formerly executed is afterwards by some act or ceremony made void by the party that hath first done it. As if a man hath made his last Will, whereby he devises his Land to J. S. and afterwards he infeoffs another of the same Land, there this feoffment is a Countermand to the Will, and the Will is to the disposition of the Land is void. If a woman seised of Land in fee makes a Will in writing, and devises that if A. of B. survives her, then she devises and bequeaths to him and his heirs her Land, and afterwards she entermarries with the said A. of B. there, by taking him to husband and coverture at the time of her death, the Will is Countermanded.

But if a Baroness widow retains two Chaplains according to the Statute, and takes one of the Nobility to husband, and afterwards the husband dies, the Retainer of those two Chaplains remains, and they without new Retainer may take two Benefices, for their Retainer was not determined

Countermand.

Countermand est, quant chose executee per devant est apres per aucun act ou ceremony frustrate per le party que ad ceo primes fait. Come si home ad fait son darreine Volunt, per que il devise son Terre al J. S. & puis il enfeoffe auter home a messin le Terre; ore ceo seoffment est un Countermand al Volunt, & le Volunt quant al disposicion del Terre est voide. Si feme seisie de Terre en fee fist sa volunt en escript, & per ceo devisa que si A. de B. luy survivera, donque el devise & bequeath a luy & a ses heires sa Terre, & apres el entermarrie ove le dit A. de B. ore, pur prisel de luy a baron & coverture al temps de sa mort, le Volunt est countermand.

Mes si un Baroness widow retaine deux Chapleins selonque le Statute, & prist un de Nobility a baron, & puis le baron morust, le Retainer de ceux deux Chapleins remaine, & ils sans novel Retainer poient prendre deux Benefices; car leur Retainer ne fuit determine ne

COUN-

countermend per tiel Marriage.

Si feme fist Lease a volunt, & puis prist baron, ceo Marriage nest Countermend al Lease, sans expresse matter fait per le baron apres le Marriage a determiner le Volunt. Auxy si Lease soit fait al feme a volunt, & el prist baron, le Lease continue nient obstant le Marriage, & il nest Countermend al ceo.

Counterplee.

Counterplee est, lou un port un Action, & le Tenant en son Respons & Plee vouch ou appellese' home pur garant son Title, ou praver ayd de autres que ad mellor Estate come de celsuy en la Reversion; ou si un estrange al Action vient & priera desre rescov' de sayer son Estate; si le Demandant reply a ceo, & monstr' cause que il ne doit tiel home vouch, ou de tiel home aid aver, ou que tiel home ne doit estre rescov' cest Plee est appel' *Counterplee al Voucher*, Ayde, ou Resceit, come le case est. Mes quant le Voucher soit allow, & le Vouchee vient eins & demande quel chose le Tenant ad de luy vouch, & le Tenant monstr' son cause, & le Vou-

ner countermend by such Marriage.

If a woman makes a Lease at will, and afterwards takes an husband, this Marriage is no Countermend to the Lease, without expresse matter done by the Husband after the Marriage to determine the Will. Also if a Lease be made at will to a woman, and she takes an husband, the Lease continues notwithstanding the Marriage, and is no Countermend thereunto.

Counterplea.

Counterplea is, when one brings an Action, and the Tenant in his Answer and Plea touches or calls any man to warrant his Title, or praves in aid of another who hath better Estate than he, as of him that is in the Reversion; or if one that is a stranger to the Action come and pray to be received to have his Estate; if the Demandant reply thereto, and shew cause that he ought not to vouch such a one, or of such a one to have aid, or that such a one ought not to be received; this Plea is called a Counterplea to the Voucher, Aid, or Resceit, as the case is. But when the Voucher is allowed, and the Vouchee comes in and demands what cause the Tenant hath, and the Tenant shews his cause, and the

Wouchee pleads any thing to avoid the Warrant; that is called a Counterplea in the Warrant.

chee plede ascun matter de avoid le Garrantie; c'est appel Counterplee del Garrantie.

Countie.

Countie signifies as much as Shire, both containing a compass or portion of the Realm, into which all its land is divided, for the better government thereof, and more easie administering of Justice; so that there is not any part of the Kingdom that lies not within some County: and every County is governed by a yearly Officer, whom we call Sheriff, who, among other duties belonging to his Office, puts in execution all the Commandments and Judgments of the Kings Courts, that are to be executed within the compass. Fortesc' cap. 24. Of these Counties there are four more remarkable than others, called County Palatines, as Lancaster, Chester, Durham, and Ely, an. 5. El. c. 23. There was also the County Palatine of Hexam, an. 33 H. 8. cap. 10. but thereof quare.

A County Palatine is of so high a nature, that whereas all Pleas touching the life or member of a man, called Pleas of the Crown, are usually held and sped in the Kings name, and cannot be passed in the name of any other; the chief Governours of these, by special

Countie.

Countie est tant en signific' come Shire, am-bideux continent un circuit ou portion del Royalm, en q tout le terre est apporc', p le mieux governance de c, & pluis facile administrat' de Just' issint q la nest ascun pt dl Royalm q ne pas gist deins asc' Country: & chesc' Country est gouverne p un annual Officer, le quel nous appellomus Vic' q ent' aut's duties appteinant a son Office, mlt en execut' tous les Mandats & Judgments des Courts l' Roy, qux s'ot deslr execute deins le circuit. Fort. ca. 24. De ceux Counties la sont 4. pluis observe q auters, appel Countie Palatines; come Lancast. Chester, Durham, & Ely, an. 5 El. cap. 23. La sult auxy le Countie Palat' de Hexam, an. 33 H. 8. cap. 10. mes de ceo quere.

Countie Palat' est Jurisdic-tion de cy alt nature, q ou tous Plees touchât le vie ou maihê dū hōe, appel Plees dl Corone, sont usualment tenus & execute ē le nosm le Roy, & ne poit estre fait en le nosm dascun aut'; le primer Gardian de ceux, p especial Charter

Charter del Roy, en temps par devant mitteront hors tous Briefs en leur nom demesne, & fairont tous choses touchant Justice cy absolument come le Roy mesme en aut's Counties, solemt consultant luy desire leur Superiour & Sovereigne Mes p le Statute de 27 H. 8. cap. 25. cest poyar fuit mult abridge, le q̄l veies, & Cro. Jurisdic. 137.

Ouster ceux deux sorts de Counties, la sont aux *Counties corporate*, come appiert p le Statute de 3 Ed. 4. 5. & ceux sont ascun Cities ou veil Burghs del Terre, sur queux les Roys de cest Gent ont don tel Franchises extraordinaries; come Londres, Eboram, Chester, Gloucester, & plusieurs autres.

Countie en un autre signification est use p le *Countie Court* que le Viscount tient chescun moys deins son liberte, ou per luy mesme ou p son Deputie. Veles p ceo Dalton's *Officium Vicecom.* De ceux Counties ou Shires la sont account desire 37 en Angleterre, ouster les 12 en Gales.

Charter from the King, heretofore did send out all writs in their own name, and did all things touching Justice as absolutely as the Prince himself in other Counties, onely acknowledging him to be their Superiour and Sovereigne. But by the Statute of 27 H. 8. cap. 25. this power was much abridged, which see, and Crompt. Jurisdic. 137.

Besides these two sorts of Counties, there are also Counties corporate, as appears by the Statute of 3 Ed. 4. 5. and these are certain Cities or ancient Boroughs of the Land, upon whom the Princes of this Nation have bestowed such extraordinary Liberties, as London, York, Chester, Gloucester, and many others.

County in another signification is used for the County Court which the Sheriff keeps every moneth within his charge, either by himself or his Deputy. See for this Daltons Office of Sheriffs. Of these Counties or Shires there are reckoned to be 37 in England, besides the twelve in Wales.

Court.

Court.

Court is diversly taken : sometimes for the House where the King remains with his ordinary retinue ; and also the place where Justice is judicially ministred, of which you may find 32 several sorts in *Crompt. Jurisd.* well described. And of those the greater part are Courts of Record ; some are not, and therefore accounted *Bale Courts* in comparisson of the others.

Besides these, there are also Courts Christian, so called, because they handle matters chiefly appertaining to Christianity, and such as without good knowledge in Divinity cannot be well judged of ; being heretofore held by Archbishops and Bishops, as from the Pope of Rome ; but after his ejection they held them by the Kings Authority, by virtue of his Magistracy, as the Admiral of England holds his Court : whence it proceeds, that they send out their Precepts in their own names, and not in the Kings, as the Justices of the Kings Courts do ; and therefore as the Appeal from those Courts did lie to Rome, now by the Stat. of 25 H. 8. cap. 19. it lieth to the King in his Chancery.

Court est diversment prise : asç foirs p le Meason ou le Roy est pñent ove son ordinarie attendants ; & auxy le lieu ou Justice est judicialment ministre, & aux vous poies trover 32 several sorts en *Crompt. Jurisd.* bien describe. Et de ceux le greinder sort sont Courts de Record ; ascuns ne sont, & p c. esleem *Bale Courts* en respect des auters.

Ouster ceux auxy la sont *Courts Christian*, issint appel p c q ils treat choses especialment appellee al Christianisme, & tels que sans bon science en Theologie ne poies estre pas bien decide ; esleat tenus cydevant p Archievelqs & Evesqs, cõe dñl Pape de Rome ; mes aps son ejection ilz tiendront eux pl' Authority le Roy, *Virtut Magistratus sui*, cõe l' Admiral d'Angleterre tient son Court : sur q ils pceed, q ils mittont hors leur Citations en leur nosmes demesne, & nemy en le nosme le Roy, come les Just. des Courts le Roy font ; & p c cõm l' Appel de ceux Courts gisera al Rome, jamms per le Stat. de 25 H. 8. cap. 19. il gist al Roy en son Chancery.

Court-baron.

Court-Baron est un Court que chescun S^r dun Mañor ad deins son Precincts demesne. De ce Court & Court-Leet Kitch. ad escrie un Livre plein de bon erudition. Cest Court, cōe semble ē *Cok. l. 4. f. 26.* est double: Et p^r ce si home ayant un Mañor en un Vil^l granta le inheritance des tous les Copyholds a ceo apptenants a un aut^r, ceo Grantee pōit tene^r un Court p^r le customary Tenants, & accepter Surrenders al use d^r auters, & fair Admittances & Grants. L^r auter Court est del Franktenants, q^u est p^rpermit appel le Court-Baron, en q^u les Suitors, cest adire, les Franktenants, sont Judges; ou de aut^r Court le S^r ou son Seneschal est Judge.

Coutheutlaugh.

Coutheutlaugh est celui q^u voluntari^ment receive hōe utlage, & relieva ou cacha lui; ē quel case il fuit ē vell tēps liable al m^l le punishmēt que le hōe utlage m^l fuit. *Br. l. 3. tr. 2. c. 13. n. 2.* Il est composé d^r touth, i. conus & utlaw, utlage, come nous jāmies eux appellomus.

Court-Baron.

Court-Baron is a Court that every Lord of a Manor hath within his own Precincts. Of this Court and Court-Leet Kitch. hath writ a learned Book. This Court, as it seems in *Cok. lib. 4. fol. 26.* is twofold: And therefore if a man having a Manor in a Town grants the inheritance of all the Copyholds therein to another, this Grantee may hold a Court for the customary Tenants, and accept of Surrenders to the use of others, and make Admittances and Grants. The other Court is of Free-holders, which is properly called the Court-Baron, wherein the Suitors, that is, the Free-holders, are Judges; whereas of the other Court the Lord or his Steward is Judge.

Coutheutlaugh.

Coutheutlaugh is he that willingly receives a man outlawed, and cherishes or hides him; in which case he was in ancient time subject to the same punishment as the man outlawed was. *Br. l. 3. tr. 2. c. 13. nu. 2.* It is compounded of couch, i. known, and utlaw, outlawed, as we now call them.

Cranage.

CRanage is a liberty to use a Crane for drawing up wares or Goods out of any Ship, Boat, or Barge, at any Creek or Wharf, and to make profit of it. It is used also for the Money that is taken for that work.

Cranage.

CRanage est un liberty p^r user un Crane p^r le extrair des Wares ou biens hors dun Niese, Barreau, ou Nassele, al ascun Creek ou Wharf, & de faire benefit de c. Est use auxy p^r les Deniers qu'on soust prises p^r ceo labor.

Creditor.

CRéansor or Creditor comes of the French Coryance, that is, Confidence or persuasion; and it signifies him that trusts another with any Debt, be it money, wares, or other things. This word is used in the Old N. B. in the writ of Audita querela, f. 66. a.

Creansor.

CRéansor venust del Francois *Carianct*, id est, Persuasio; & signifie cestuy que consist auter ove ascun Det, soit c^{est} en deniers, wares, ou auters choses. Ceo parol est use en le *Veil N. B.* en le B^{re} de *Audita querela*, fol. 66. a.

Creek.

Creek is that part of a Haven from whence any thing is landed or disburthened out of the Sea. And this word is used in the Stat. 5 El. cap. 5. and 4 H. 4. cap. 20. &c.

Creek.

Creek est c^{est} pt dun Hav^r d^{el} quel asc^{el} chose est discharge ou disburden hors del Mere. Et cest pol est use en le Stat. 5. an del Roigne El. c. 5. & 4 H. 4. cap. 20. &c.

Croft.

Croft is a little Close or Pightle adjoining to an House, used either for pasture or arable, as the owner pleases.

Croft.

Croft est un petite Clause ou Pightle adjoynant al un Mease, use ou p^r pastur ou arable, come c^{est} pleist le owner.

er. Et semble deſtre derive del veuſ parol *Creaſt*, id eſt, Handicraſt, ꝑ ceo que ceuſ terres ſont ꝑ le plus part manures ove le principal craſt del owner.

And it ſeems to be deriſed from the old word *Creaſt*, that is Handicraſt, becauſe theſe lands are for the moſt part manu- red with the beſt ſkill of the owner.

Cucking-ſtool.

Cucking-ſtool eſt un Engin invent pur le puniſhment des Scolds & inquiet ſemes; & ſuit appel en ancien tēps un *Tumbrel*, cōe appiert ꝑ *Lamb.* en ſon *Eirenarch.* l. 1. c. 12. Et ꝑ les caſes & Judgement en Eire, en le temps *E.* 3. Pillory & *Tumbrel* ſont appendant al un Leet, ſans queuſ droit ne poit eſtr ſait as parties deins l' view. *Keloway* fol. 140. b.

Et en le Stat. 51 H. 3. ca. 6. ceo eſt appel *Trebuchet*.

Cucking-ſtool.

Cucking-ſtool is an Engin invented for the puniſhment of Scolds and inquiet women; and it was called in old time a *Tumbrell*, as appears by *Lamb.* in his *Eirenarc.* l. 1. c. 12. And by the Caſes and Judgements in Eire, in the time of *Ed. 3.* a Pillory and a *Tumbrell* are appendant to a Leet, without which right cannot be adminiſtered to the parties with- in the view. *Keloway*, fol. 140. b.

And in the Stat. 51 H. 3. ca. 6. it is called *Trebuchett*.

Cui ante divortium.

Cui ante divortium eſt un Bř que giſt quant Alienation eſt fait ꝑ le baron del Terre la ſeme, & puis Divorce eſt ew inter eux; donques la ſeme avera ceſt Brief, & le Brief dirra, *Cui ipſa ante Divortium contradicere non potuit;*

Cui ante divortium.

Cui ante divortium is a Writ that lies when Alienation is made by the huſband of the wiſes Land, and after Di- voyce is had between them; then the woman ſhall have this Writ, and the Writ ſhall ſay, Whom ſhe before the Divorce might not gain-ſay.

Cui in vita.

Cui in vita is a Writ that lies where a man is seised of Lands in Fee-simple, Fee-tail, or for life, in right of his wife, and aliens the same, and dies; then she shall have this Writ to recover the Land.

And note, That in this Writ her Title must be shewed, whether it be of the purchase, or inheritance of the woman. But if the husband alien the right of his wife, and the husband and the wife die, the wives Heir may have a Writ of Sur cui in vita.

Cui in vita.

Cui in vita est un B're que gist lou home est seisié d Terres en Fee-simple, Fee-taille, ou pur vie, en droit sa feme, & aliena mesme le Terre & devle; donques el avera cest Brief pur recoverer la Terre.

Et nota, Que en cest Brief son Tide doit estre monstre, si soit de purchase, ou inheritance la feme. Mes si le baron alien le droit sa feme, & le baron & la feme devi-ont, le Heir la feme avera un Brief de Sur cui in vita.

Cuinage.

Cuinage. See Cuynage.

Cuinage.

Cuinage. Veies Cuynage.

Cuntey.

Cuntey cuntey is a kind of Trial, as appears by Bract. in these words; The matter in this case shall be ended by Cuntey cuntey, as between coheirs, l. 4. tr. 3. cap. 18. And again in the same place; In a Writ of right the business shall be determined by cuntey cuntey. And thirdly, l. 4. tr. 4. c. 2. The cause shall be tried by Writ of right, neither by Batel, nor by the great Assise, but by

Cuntey.

Cuntey cuntey est un kind d Trial, come appiert p Bract. en ceux parols; *Negotium in hoc casu terminabitur per Cuntey cuntey, sicut inter Coheredes, l. 4. tr. 3. c. 18. Et arer e m̄le lieu; In Breve de recto negotium terminabitur per Cuntey cuntey. Et tierceſme, l. 4. tr. 4. c. 2. Terminabitur negotium per Breve de recto, ubi nec Duellum, nec magna Assisa,*

*sed per Cuntey cuntey omni-
no; le quel semble desir tant
come per l' ordinary Jury.*

*Cuntey cuntey only; which seems
to be as much as by ordinary
Jury.*

Curfew.

Curfew.

Curfew viêt des deux pa-
rols *François Couvrir*, co-
ver, & *Feu*, Fire. Est use ove
nous p un Peale vespre, p q
le Conqueror comand chesc
home de prender garnie p le
couverture de son Feu, &
l'extinguishmēt de son Lu-
men: issint que en plusors
lieus a cest jour un Cam-
pañ est usualment tinta pro-
chein temps du Leſt, il est
dit de inter *Curfew*.

Curfew comes of two French
words, *Couvrir*, to cover,
and *Feu*, Fire. It is used
with us for an evening Deal,
by which the Conqueror wil-
led every man to take warn-
ing for the taking up his Fire,
and putting out his Light:
So that in many places at
this day, when a Bell is cu-
stomably rung toward Bed-
time, it is said to ring *Cur-
few*.

Curia avifare vult.

Curia avifare vult.

Curia avifare vult est un
Deliberation q le Court
entēd prēdre sur aic' difficile
point d'un Cause, devant Judg-
mēt soit resolve. Pur q l veies
le *Novel Livre de Entries*,
verbo Curia, &c.

Curia avifare vult is a Deli-
beration which the Court
purposes to take upon any
difficult point of a Cause, be-
fore Judgement be resolved on.
For which see the New Book of
Entries, *verbo Curia*, &c.

Curia claudenda.

Curia claudenda.

EST un breif ou action a
compeller auter a fair
un fence ou mure q le des-
doit fair ent' son terr' & la
terr' del Plaintiff.

IS a writ or action to compell
another to make a fence or
wall, which the Defendant
ought to make between his
land and the Plaintiffs.

Currier

Currier.

Currier is one that dresses
or liquors Leather, and is
so called of the French word Cuir,
id est, Corium, Leather. The
word is used in all the Sta=
tutes made for the good ma=
king of Leather, as in 1 Jac cap.
22. &c.

Cuirrier ou Courroier.

Courroier est un que dresse
& liquor Cuir, & est is=
sint appel del Francois parol
Cuir, id est, Corium. Cest pol
Currier est frequent en tous
les Statutes faits p^r le bon
seasance de Cuir, come en
1 Jac. cap. 22. &c.

Cursiter.

Cursiter is an Officer or
Clerk belonging to the
Chancery, who makes out
Original Writs. 14 & 15 H. 8.
cap. 8. They are called Clerks
of Course in the Oath of
Clerks of the Chancery, appoin=
ted anno 18 Ed. 3. Stat. 5. There
are of them twenty four, to each
of whom is allotted certain
Shires, into which they make
out such Original Writs as are
by the subject required, and are
a Corporation among them=
selves.

Cursiter.

Cursiter est un Officer ou
Clerk appartenant al
Chancerie, que fait hors Ori=
ginal Briefs, 14 & 15 H. 8.
cap. 8. Sont appel Clerks del
Course e le Serement des Clerks
del Chancerie, appoint an.
18 Ed. 3. Stat. 5. La sont de
ceux vint quat', q^{ui} ont allotta
a chescun d'eux ascun Count=
ties, en le quel ils sont hors
del Original Breves que sont
per le subject require, &
sont un Corporation int' eux
mesmes.

Curtesie of England.

Curtesie of England is, where
a man takes a wife seised
in Fee-simple, or Fee-tail gene=
ral, or seised as Heir of the tail
special, and hath issue by her,
male or female; be the issue dead
or alive, if the wife die, the hus=
band shall hold the Land during

Curtesie de Angleterre.

Curtesie de Angleterre est,
lou home prent feme
seise e Fee-simple, ou Fee-tail
general, ou seise cōe Heir de
la taile special, & ad issue p^{ar} la
feme, male ou female; soit is=
sue mort ou e vie, si la feme
devie, le baron tiendra le Tfe
durāt

durāt sa vie, p la Ley d' *Angleter*. Et est appel *Tenant per le Curtesie d' Angleterre*, p c q est use ē nul autre *Royalme* forlq iatsoleñt ē *Angleterre*. Si l' Enfant ne unques soit vife, donque la baron ne serra *Tenant per le Curtesie*; mes si le issue soit nee en vie, ceo suffist.

Si la feme soit deliver d' un *Monster*, que nad le shape de homes, ceo nest pas *Issue* en Ley; Mes coment le issue ad aucun deformitie ou defect en le maine ou pee, & uncore ad humane shape, ceo suffist de faire le baron *Tenant per le Curtesie*. Et en aucun cases le Temps del nestre est material, & en aucun nemy. Pur ceo, si home prist feme *Enheretrix*, q est grandement enseint per luy, & le issue est rippe hors d' sa venter en vie; ore il ne serra *Tenant per le Curtesie*, car ceo doit commencer per le issue, & consummate per le mort la feme, & le *Estate* de *Tenant per le Curtesie* covient a toller le immediate discent. Mes si baron ad issue per sa feme, & puis Tre discent al feme, soit le issue donque mort ou en vie, il serra *Tenant per le Curtesie*; car le temps del nestre del issue nest material si ceo soit en la vie sa feme.

Si Terres sont dones al feme & al heires males de sa corps, & el prist baron,

his life, by the *Law* of *England*. And it is called *Tenant by the Curtesie* of *England*, because this is not used in any other *Realme* but only in *England*. If the *Infant* was never alive, then the husband shall not be *Tenant by the Curtesie*; but if the issue be born alive, it suffices.

If the woman be delivered of a *Monster*, which hath not the shape of mankind, this is not *Issue* in *Law*: But though the issue hath some deformity or defect in the hand or foot, and yet hath humane shape, it suffices to make the husband *Tenant by the Curtesie*. And in some cases the time of the birth is material, and in some not. Therefore, if a man marries a woman *Inheretrix*, who is great with child by him, and the issue is ripe forth of her belly alive; there he shall not be *Tenant by the Curtesie*, for this ought to begin by the issue, and consummate by the death of the woman, and the *Estate* of the *Tenant by the Curtesie* ought to avoid the immediate discent. But if the husband hath issue by his wife, and after *Land* descends to the woman, be the issue then dead or alive, he shall be *Tenant by the Curtesie*; for the time of the birth of the issue is not material, if it be in the life of the woman.

If *Lands* be given to a woman and the heirs males of her body, and she takes an husband, and

and hath issue a daughter, and dies; the husband shall not be Tenant by the Curtesie, for the issue cannot by any possibility inherit the same Tenements. Also as a woman alien, marrying one of the Kings subjects, shall not be endowed, in the same manner a man alien shall not be Tenant by the Curtesie.

Also if a man seised of Land in right of his wife be attainted of Felony, having issue, and then purchases the Kings Pardon, and after his wife dies; there he shall not be Tenant by the Curtesie: But if he hath issue by his wife born after the Pardon, in such case he shall.

& ad issue file, & morust; le baron ne serra Tenant per le Curtesie, car le issue ne poit p asc' possibilitie enherit' mesme les Tenements. Auxy come un feme alien, espousant ũ subject d Roy, ne serra endowe; en mesme le manner un home alien ne serra Tenant per le Curtesie.

Auxy si home seisie de T're en droit la feme soit attaint d Felony, ayant issue, & donq; purchase le Pardon le Roy, & puis son feme morust; la il ne serra Tenant p le Curtesie: Mes fil ad issue per son feme nee puis le Pardon, en tiel case il serra.

Curtilage.

Curtilage is a Garden, Yard, Field, or piece of void ground lying near and belonging to the Messuage, West. part. 2. sect. 26. And so it is used 35 H. 8. c. 4. 39 Eliz. 2 Coke l. 6. fol. 64.

Customary Tenants.

Customary Tenants are such Tenants as hold by the Custom of the Mannor, as their special Evidence.

Curtilage.

Curtilage est un Garden, Yard, Camp, ou piece de vacant t're gisant pchein & apperteināt al Messuage, west. part. 2. sect. 26. Et issint est use 35 H. 8. c. 4. 37 Eliz. 2 Coke l. 6. fol. 64.

Customary Tenants.

Customary Tenants sont tiel Tenants que tient de la Custome del Mañor, cōe leur special Evidence,

Custom

Custom.

Custom poit estre definee deē un Ley ou Droit nient escrie, q̄ esleant estable p̄ veil use, & le consent de nostre Ancestors, ad este & jouremēt mise en ure. Custom est ou general ou particular. *General* est ceo q̄ est approuve p̄ tout *Angleterre*, de queux vous poyes lier ē *Doctor & Student*, l. 1. c. 7. plusors fort digne destre connus. *Particular* est. c̄ q̄ appertient a ceo ou tiel Countie, cōc *Gavelkind* al *Kent*; ou a c̄ ou tiel *Sairie*, *Cirie*, ou *Ville*.

Custom differt del *Prescription*, p̄ ceo q̄ Custom est cōmon a plusors, & *Prescription*, p̄ l' opinion d' ascun, est particular a celou tiel home. *Auxy* *Prescription* poit estre p̄ un pluis curt temps q̄ Custom, sc. pur cinque ans ou meins. Come si *Fine* soit duement levie d' *Tres* ou *Tenements*, & ne soit dedit deins cinq; ans, c̄ est *Barē* a chesc̄ *Clame* a tous jours.

Si home omitra son *Continual* *clame* pur un an & jour, donq; le *Tenant* en possession *prescribe* ū *Priviledge* envers l' *Entrie* le *Demandant* & son *Heire*, *Fitzh. Nat. Brev. 79.* Hors de nostre *Statutes* vous poyes aver pluis grand diversite: issint que ceo semble destre un voyer dit, Que

Custom.

Custom may be defined to be a Law or Right not written, which being established by long use, and consent of our Ancestors, hath been and daily is put in practice. Custom is either general or particular. General is that which is current through England, whereof you may read in Doctor and Student, l. i. c. 7. many very worthy to be known. Particular is that which belongs to this or that County, as *Gavelkind* to Kent; or to this or that *Lordship*, *City*, or *Town*.

Custom differs from *Prescription*, because Custom is common to many, and *Prescription*, by the opinion of some, is particular to this or that man. Again, *Prescription* may be for a shorter time than Custom, sc. for five years, or less: As if a *Fine* be duly levied of Lands or *Tenements*, and be not gainesaid within five years, this is a *Bar* to all *Claim* for ever.

If a man omits his *Continual* *Claim* for a year and a day then the *Tenant* in possession *prescribes* an *Immunity* against the *Entry* of the *Demandant* and his *Heir*, *Fitzh. Nat. Brev. 79.* Out of our *Statutes* you may have greater diversity; so that this seems to be a true saying, That *Prescription*

tion is an Exception founded upon so long time gone and past as the Law limits for the pursuit of any Action. An example may be taken out of the Statute of 1 H. 8. c. 4. which enacts That in all Actions popular information shall be made within three years after the offence committed, otherwise to be of no force.

Custom is also used for the Tribute or Toll that Merchants pay to the King, to carry in and out Merchandizes, 14 E. 3. Stat. 1. c. 21. In which signification it is called *Custuma* in Latine, Reg. Orig. 129. a. 138. a.

And lastly, for such Services as Tenants of a Manor owe unto their Lord. Old Book of Entries, word, Custom. See *Consuetud.* & *Servitiis*.

Custos Brevium.

Custos Brevium is the chief Clerk belonging to the Court of Common Pleas or Kings Bench, whose office is to receive and keep all the Writs, and to put them upon Files, every Return by it self, and at the end of every Term to receive of the Prothonotaries all the Records of *Nisi prius*, called the *Postea*. The *Custos Brevium* also makes entry of Writs of Covenant, and the Concord upon every Fine, and makes out Exemplifications

Prescription est un Exceptio foundue sur tant temps ale & passé que le Ley limita p le pursuance d' aucun Action. Un exemple peut estre prise hors del Statute d' 1 H. 8. c. 4. que enact, Que e' tous Actions populaires informatiō serra fait deins trois ans puls l' offence commi, autermt deslire de nul vigour.

Custom est auxy use p le Tribute ou Toll que Merchants payont al Roy de porter eins & hors Merchandizes, 14 E. 3. Stat. 1. c. 21. En quel significatiō est appel *Custuma* en Latine, Reg. Orig. 129. a. 138. a.

Et deniermt, p tiels Services que Tenants de un Manor doiont a leur Sñr. Viel livre d' Entries, verb' *Custom*. Veies *consuetud.* & *Servitiis*.

Custos Brevium.

Custos Brevium est le premier Clerk appartenant al Court d' Common Pleas; ou Bank le Roy, l' office de quel est de recevoir & tener tous les Briefs & mitter eux sur Files, chescun Return p luy mesme, & al fine d' chesc' Terme d' recevoir del Prothonotaries tous les Records de *Nisi prius*, appel le *Postea*. Le *Custos Brevium* aux' fait entrée des B'fes d' Covenant, & le Concord sur chesc' Fine, & fait hors Exempli-

emplifications & Transcripts de tous les Břes & Records en son Office, & de tous les Fines levie. Les Fines, puis q' ils sont engrosse, les parts de ceo sont divide pour le *Custos Brevium* & le Chirographer : d' q' le Chirographer reteigne tous soit le Brief de Covenant & le Note ; le *Custos Brevium*, reteigne le Cōcord, & Pee del Fine, sur quel Pee le Chirograph' causa le Proclamations destre indorse quāt ils tous sont p'clame.

and Copies of all the Writs and Records in his Office, and of all the Fines levied. The parts of the Fines, after they are engrossed, are divided between the *Custos Brevium* and the Chirographer : whereof the Chirographer keeps always the Writ of Covenant, and the Note; the *Custos Brevium* keeps the Concord, and the Foot of the Fine, upon which Foot the Chirographer causes the Proclamations to be indorsed when they are all proclaimed.

Custos Rotulorum.

Custos Rotulorum.

C*ustos Rotulorum* est celuy q' ad le Custody d's Rolls ou Records des Sessions del Peace, & cōe ascuns semble, del Commission del Peace mesme, *Lam. l. 4. c. 3. p. 373.* Il est tous soit Justice del Peace & *Quorum* en le Countie ou il ad son Office ; & p son Office il est pluistost appel un Officer ou Minister, que un Judge, pur ceo que le Commission del Peace impose ceo especial Charge per expresse parols sur luy, *Quod ad dies & loca predicta Brevia, Præcepta, Processus & Indictamenta predicta coram te & dictis Sociis tuis venire facias.*

C*ustos Rotulorum* is he that hath the keeping of the Rolls or Records of the Sessions of the Peace, and, as some think, of the Commission of the Peace it self, *Lam. l. 4. c. 3. p. 373.* He is always Justice of the Peace and *Quorum* in the County where he hath his Office ; and by his Office he is rather termed an Officer or Minister, then a Judge, because the Commission of the Peace lays this special Charge by expresse words upon him, That he should cause the Writs, Precepts, Process and Indictments aforesaid to come and be before him and his fellow-Justices at the days and places aforesaid.

Gardian of the Spiritualities.

Custos des Spiritualities.

Gardian of the Spiritualities is he that exercises the spiritual and Ecclesiastical Jurisdiction of any Diocess during the Vacancy of the See; the appointment of whom by the Canon Law pertains to the Dean and Chapter, lest in the Vacancy of the See some Innovation should be introduced. But in Engl. the Archbishop of the Province hath it by Prescription. Howbeit many Deans and Chapters (as M. Gwyn saith in his Preface to his Readings) challenge this by ancient Charters from the Kings of this Land.

Custos des Spiritualities est celui q̄ exerce le Spirituel & Ecclesiastical Jurisdiction d̄ aucun Diocesse durant le Vacance del See; l'appointement de quel per le Ley Canon appartient al Dean & Chapter, Ne Sede vacante aliquid innovetur. Mes en Angleterre l' Archevesque del Province ad ceo per Prescription. Uncore plusors Deanes & Chapters (come dit M. Gwyn en le Preface a son Lectures) demande ceo p̄ vells Charters des Roys de cest Terre.

Cuynage.

Cuynage.

Cuynage is a word used in the Statute of 11 H. 7. c. 4. for the making up of Tinne into that fashion as it is used to be framed, for the better carriage of it into other parts.

Cuynage est un parol use e le Statute 11 H. 7. c. 4. p̄ le framer d̄ Estaigne en tel forme come solont d̄ ceo framer, p̄ le plus apt portage de ceo en auters lieux.

Dam-

D

Dammage.

Dammage est un part d ceo q les Jurors sont d enquis, donnant leur Verdict, p le Plaintiff ou Demandant en ū Action real ou psonal. Car puis le Verdict done sur le principal cause, ils sont auxy demand leur consciences touchant Costs, queux sont les Expences del Suit, & Damages, que cōtein le parde q le Plaintiff ou Demandant ad susleine per cause del tort a luy fait p le Defendant ou Tenant.

Et entāt q Justice & Reason voilont, q quant le vie, le credit, les t̄res, les biens, le corruption de son sanke, & tout ceo q home ad a forfeli' ē cest monde, sont mise ē peril sans voyer cause, mes solef̄nt sur le malicious Accusation dun aut' p Appeal, q l'Appellee averoit satisfaction p ceo envers son faux Accuser, & fil nad sufficent, donque vers luy ou ceux que luy abbetta ou procura de pursuer le Appeale: Pur ceo le Common Ley donast Damages al Defendant en un Appeal, & assigne a luy un meane pur le

D.

Dammage.

Dammage is part of that which the Jurors are to enquire of, in giving their Verdict for the Complainant or Demandant in an Action real or personal. For after the Verdict given upon the principal matter, they are also asked their Consciences touching Costs, which are the Expences of the Suit, and Damages, which contain the prejudice which the Plaintiff or Demandant hath suffered by means of the wrong done him by the Defendant or Tenant.

And forasmuch as Justice and Reason require, that when the life, credit, lands, goods, corruption of blood, and all that a man hath to forfeit in this world, are put in peril without just cause, but only upon the malicious Accusation of another by Appeal, that the Appellee should have satisfaction therefore against his false Accuser, and if he hath not sufficient, then against him or them that abbetted or procured him to pursue the Appeal: Therefore the Common Law gave Damages to the Defendant in an Appeal, and assigned him a means

means for the recovery thereof, when he was acquitted of the felony, as it is 48 E. 3. 22. But forasmuch as the Damages against the Procurors and Abettors were to be recovered by Original Writ, that is, by Writ of Conspiracy, and not otherwise, which was not so speedy remedy as the heinous quality of the wrong required; the Statute of Westm. the 2. An. 13 Ed. 1. cap. 12. for the more expeditious redress thereof was ordained.

But if the Defendant bars the Plaintiff of his Appeal then he cannot recover Damages by the said Statute against the Plaintiff, except the Barr be such as acquits the Defendant of the felony. And if the Defendant pleads that the Appellant is a Bastard, or hath an elder Brother, or like Pleas in barre, and thereby bars the Plaintiff; yet he shall not recover Damages against him, because the Defendant may be indicted again of the same felony, and attainted, notwithstanding any of those Pleas; for by them the innocence of the Defendant is not tried, and therefore he shall not have Damages. 27 Ass. pl. 25. The same Law is, if the Defendant bars the Appellant by Demurrer in Law: And so it is, if in Appeal of the death of a man the Defendant pleads to the issue, and it is found by Verdict that he killed the man

recoverie de eux, quant il fust acquite del Felony, cōe est 48 Edw. 3. 22. Mes entant que les Damages vers le Procurors & Abbettors fueront destre recover per Original Brief, cestascavoir, p Brief de Conspiracy, & nient auterment, que ne fuist cy curt remedie come le heinous degrec del tort require, la Statute de *Westminster* le 2. An. 13. Ed. 1. cap. 12. pur le plus subite redresse fuit ordaine.

Mes si le Defendant barre le Plaintiff de son Appeale, donque il ne poit recover Damages p le dit Stat. envers le Plaintiff, forsque le Barre soit tiel q acquite le Defend' d'l Felonie. Et si le Defendant plead que le Appellant est ou Bastard, ou ad un Eigne frere, ou tiels Pleas en barre, & per eux barre le Plaintiff; uncore il ne recouvrera Damages vers luy, pur ceo que le Defendant po't estre endite arere de mesme le Felonie, & attainr, nient obstant aucun de ceux Pleas; car per eux le innocence del Defendant nest pas trie, & pur ceo il navera Damage. 27 Ass. pl. 25. Mesme le ley est, si le Defendant barre le Appellant p Demurrer en Ley: Et issint est, si en Appeal del mort dū home le Defendant plead al issue, & est trove p Verdict que il occide le hōe en sō defence

fence demefne, ou per Misadventure; en ceux cafes il ne recouera Damages. Mes si le Defendant en Appeale ad le Release del Appellant, ou le Pardon le Roy, & voile eux waiver, & pled' Nient culpable, & est acquite; en cest case il recouera Damages.

Cest parol *Damia* est prise en la Ley en deux feveral significacions; l'un proprement & generalment, l'auter relative & stricte. Properment, come est en cafes ou Damages sont founde sur le Stat. de 2 H. 4. cap. 1. & 8 H. 6. c. 9. ou Costs sont encluede deins cest parol Damages; car *Damnum* en son proper & general signification *dicitur a demendo, cum Diminutione res deterior fit*: & en cest sens Costs de Suit sont Damages al Plaintiff, car per eux res sua diminuit. Mes quant le Plaintiff monst' le tort fait a luy a Damage de quel summe, ceo est desire prise relative pur le tort que est passe devant le Brief port, & sont assesse *occasione Transgressionis predicti* & ne polt extender al Costs del Suit que sont future, & d' un autre nature. Veles Co. l. 10. f. 116, 117.

in his own defence, or by Chance-medley; in these cases he shall not recover Damages. But if the Defendant in Appeal hath the Release of the Appellant, or the Kings Pardon, and will waive them, and plead Not guilty, and is acquitted; in this case he shall recover Damages.

This word Damage is taken in the Law in two feveral significacions; the one properly and generally, the other strictly and relatively. Properly, as it is in cases where Damages are founded upon the Statute of 2 Hen. 4. cap. 1. and 8 Hen. 6. cap. 9. where Costs are included within this word Damages; for *Damnum* in its proper and general signification is said a demendo, when a thing by Diminution is made worse; and in this sense Costs of Suit are Damages to the Plaintiff, for by them his Substance is diminished. But when the Plaintiff declares the wrong done to him to the Damage of such a summe, this is to be taken relatively for the wrong which is passed before the Suit brought, and are assessed by reason of the Trespass aforesaid, and cannot extend to Costs of Suit which are future, and of another nature. See Co. l. 10. f. 116, 117.

Damnage

Dammage fasant.

Dammage fasant.

Dammage fasant is, when a stranger's Beasts are in another mans ground, without licence of the Tenant of the ground, and there do feed, tread and oherwise spoil the corn, grals, woods, and such like: In which case the Tenant whom they dammage may therefore take, distrain and impound them, as well in the night as in the day. But in other cases, as for Rent and Services, and such like, none may distrain in the night.

Dammage fasant est, quant les Beasts de un estrang' sont en auters tēes, sans licēce del Teñt d' la tēe, & la mangeront, tread ou auterment spoilont les blees, grasse, bois, ou tiels semblables: En quel case le Tenant que ils issint dammage poit pur ceo prender, distraiñ & impound eux, cybien en le nuit come en le jour. Mes en auters cases, come pur Rent & Services, & tiels sembles, nul poit distraiñer en le nuit.

Danegeld.

Danegeld.

Danegeld is, to be quit of a certain Tribute which the Danes did levie in England: Also the Tribute it self.

This began first in the time of King Etheldred, who being sore distressed by the continual Invasion of the Danes, to purchase Peace, was compelled to charge his County and people with great Payments; for he first gave them at fve several paymēts 113000 lib. and afterwards granted them 48000 lib. yearly.

Danegeld est quiet' esse de quodam Tributo qđ quiddē Dani levaverūt in Anglia: Auxy le Tribute mesme.

Ceo commence primerment en tēps le Roy Etheldred, qđ esteant en grand distress per le continual Invasion de les Danes, p̄ purchaser Paix, suit compell' d' charge son Pals & people ove grand Payments; car il primermēt done eux al cinq; several paīmēts 113000. li. & puis grant al eux 48000 li. annualment.

Darreine Presentment.

D*Arreine Presentment*, Affise de ceo gist ou jeo ou mon ancestors ad p̄sent un Clerk al un Esglise, & puis, le Esglise esteant voyde p̄ le mort del dit Clerke, ou autrement, un estranger present son Clerke al mesme Esglise en disturbance de moy. Et coment ceo est autrement use, veles *Bract. lib. 5. tract. 2. Regist. orig. fol. 30.* Si baron & feme present al Advowson en droit la feme, que est appendant al Mañor la feme, & puis le baron alien un Acre, parcel de Mañor, ove le Advowson en fee, a un estranger, & devle, & puis le estranger presenta, & puis alien le Acre a un auter en fee, savant le Advowson a luy mesme, & puis le Esglise voida; ore la feme presentera, & s'el soit disturbe, el avera *Affise de Darreine Presentment*; p̄ ceo que le Advowson fuit sever del Acre. Mes si le Advowson fuit appendant al Acre, donque covient al fem̄ a recover le Acre avant que el presentera al Advowson. *F. N. B. 32.*

Darreine Presentment.

D*Arreine Presentment*; an Affise thereof lies where 3 or more ancestors have presented a Clerk to a Church, and after, the Church being void by the death of the said Clerk, or otherwise, a stranger presents his Clerk to the same Church in disturbance of me. And how it is otherwise used, see *Bract. lib. 5. tract. 2. Regist. orig. fol. 30.* If a husband and wife present to an Advowson in right of the wife, which is appendant to the Manor of the wife, and after the husband aliens an Acre, parcel of the Manor, with the Advowson in fee, to a stranger, and dies, and after the stranger presents, and then aliens the Acre to another in fee, saving the Advowson to himself, and after the Church is void; there the wife shall present, and if she be disturbed, she shall have an affise of *Darreine Presentment*; because the Advowson was severed from the Acre. But if the Advowson was appendant to the Acre, then the wife ought to recover the Acre before she presents to the Advowson. *Fitz. Nat. Brev. 32.*

Darrein Continuance.

Darreine Continuance.

IN when the Defendant or Tenant (pendente placito) pleads new matter done after the last continuance of the plea. See Thelwel. 361. & 2. Cro. 261.

EST quant Defendant ou Tenant pendant le suit plead novel matter fait post ultimam continuationem placiti. V. Thelwel. 361. & 2. Cr. 261

Dean and Chapter.

Dean & Chapter.

DEAN and Chapter is a Body corporate Spiritual, consisting of many able persons, as namely the Dean (who is chief) and his Prebends, and they together make the Corporation. And as this Corporation may jointly purchase Lands and Tenements to the use of their Church and Successors; so likewise every of them severally may purchase to the use of himself and his heirs.

And as there are two Foundations of Cathedral Churches in England, the Old and the New; (the New are those that King Henry the eighth, upon suppression of Abbeyes, transformed from an Abbot, or Prior and Covent, to Dean and Chapter:) so there are two means of Creation of these Deans: for those of the Old Foundation are brought to their Dignity like Bishops; the King first sending his Congee deslire to the Chapter; the Chapter then chusing, the King

DEAN & Chapter est un Corps corposé Spiritual, consistant d plusieurs able psons, come nosmesit de Deane (q est principal) & ses Prebends, & ils ensemble font le Corporation. Et sicome cest Corporation poyet joyntement purchase Terres & Tenements al use de leur Eglise & Successors; issint auxy chescun de eux severalement poit purchase al use de luy & ses heires.

Et sicome la sont deux Foundations dEglises Cathedral e Angleterre, le Vieil & l' Novel, (l' Novel snt ceux queux le Roy Henry le huit, sur suppression d Abbies, transform de Abbot, ou Prior & Covent, al Dean & Chapter:) issint la sont deux means del Creation de ceux Deanes: car ceux del Vieil Foundation sont confer a leur Dignity semble al Evsques; le Roy primerment mittant hors son Conge deslire al Chapter, le Chapter

donque eſſant, le Roy rendāt ſon Royal aſſent, & l'Eveſq; luy confirmant, & donāt ſon Mandate de luy installer. Ceux del Novel Fondatiō ſōr p un voy plus curt enſtall' p les Letters Pat' del Roy, ſans aur' Electiō ou Confirmatiō.

Ceſt parol eſt auxy apply aux divers q̄ ſont les primis de certain peculiar Eſglises ou Chappels; come le Dean del Chappel del Roy, le Dean del Arches, le Dean del Chappel de S. George en Windſor, &c.

peilding his Royal aſſent; and the Biſhop confirming, and giving his Mandate to inſtal him. Thoſe of the New Foundation are by a ſhorter courſe enſtalled by the King's Letters Patents, without other Election or Confirmation.

This word is alſo applyed to divers that are the chief of certain peculiar Churches or Chappels, as the Dean of the Kings Chappel, the Dean of the Arches, the Dean of Saint George's Chappel in Windſor, &c.

Debet & ſolet, Vide Cuſtom & Preſcription.

Debet & ſolet, See Cuſtom & Preſcription.

DEbet & ſolet ſont parols uſe en le Veiel *Natura Brevium*, fol. 98. Le Brief de *ſecta molendini*, eſteant en le *Debet & ſolet*, eſt un Bfe de Droit, &c. Et arriere, fol. 69. Un Brief de *Quod permittat* poir eſt plead en le County devant le Viſc', & poir eſt en le *Debet & ſolet*, ou le *Debet ſolemen*, come le Demandāt claiſm. Pur q̄ nota, Que ceux Bfes q̄ ſōr port ē tiel ſort ont ceux polx ē eux, cōe formal parolx nient deſire omit.

Et accordant al diverſity del Caſe, le *Debet & ſolet* ſont uſe, ou le *Debet tantum*. Cōe ſi hōe p Bfe ſue de recover aſc' droit de que ſon anceſtor ſuiſt diſſeſſe p le Tenant ou

DEbet & ſolet are words uſed in the *Old Natura Brevium*, fol. 98. The Writ of *ſecta molendini*, being in the *Debet & ſolet*, is a Writ of Right, &c. And again, fol. 69. A Writ of *Quod permittat* may be pleaded in the County befoze the Sheriff, and may be in the *Debet & ſolet*, or the *Debet only*, as the Demandant claims. Wherefoze note, That theſe Writs that are brought in ſuch ſort have theſe words in them, as formal words not to be omitted.

And according to the diverſity of the Caſe, the *Debet & ſolet* are uſed, or the *Debet only*, As if a man by Writ ſues to recover any right, whereof his anceſtor was diſſeſſed by the Tenant

Tenant or his ancestor; then he uses only the word *Debet* in his *Writ*, and it is not apt to use *Solet*, because his ancestor was disseised, and the Custom discontinued: but if he sues for any thing that is first denied him, then he hath both these words, *Debet* & *solet*; because his ancestor before him and himself have usually enjoyed the thing for which he sues, as *Suit* to the *Mill*, or *Common of Pasture*, until this present refusal of the Tenant. *Reg. orig. fol. 144. a.*

son ancestor; doncq; il use seulement le parol *Debit* en son *Bfe*, & n'est apt de user *Solet*, p' ceo q' son ancestor fust disseise, & l' Usage discontinuë: mes sil sue p' asc' chose que est primerment denie a luy, doncque il ad ambideux ceux parols, *Debit* & *solet*; p' ceo que ses ancestors devant luy & luy mesme ont usualment enjoy le chose p' q' il luit, cõe *Suit* al *Molin*, ou *Common* de *Pasture*, j'esque cest p'sent refusal del Tenant. *Reg. orig. fol. 144. a.*

Debet & Detinet.

Debet & Detinet.

DEbet & Detinet: Much may be said of these words that hath been spoken of the words next afore. As, if a man be bound to another, and makes his Executor, and dies, and the money grows due in the time of the Testator, and afterward the Executor pays it not; the Action brought against him therefore shall be in the Detinet only: and so in all Actions brought by Executors as Executors, the *Writ* shall be in the Detinet only, although the duty accrued in their own time, because the thing or damages recovered shall be assets.

But if Lessee for years rendering Rent makes his Executors, and dies, and the Rent incurs after the death of the Testator; there an Action of Debt

DEbit & Detinet: Mult polt estre dit d' ceux parols que ad estre dit des pols pechein adevant. Come, si home soit obligé a un autre, & fait son Executor, & morust, & l'argent fust due e le temps del Testator, & apres l'Executor ceo ne renda pas; la l' Action port vers luy pur ceo serra e le Detinet tantu: & issint en tous Actions port p' Executors come Executors, le Bfe serra e le Detinet tantum, comm' q' le dueie acrué en lour temps demesne, p' e que le chose ou damages recover serra Assets.

Mes si Lessee pur ans rendant Rent fait ses Executors, & morust, & le Rent incurre puis le mort del Testator; ore Action d' Debt serra

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port en le *Debt & Detinet* : car quant Executor ou Administrator prist les Profits, rien serra Assets mes les Profits ouster le Rent. Come si le Terre vault dix livres per an, & cinque livres est reserve; en cest case rien serra Assets forsque le cinque livres ouster le Rent, & pur ceo le Bfe serra pur le Rent en le *Debt & Detinet*. *Coke lib. 5. fol. 31.*

shall be brought in the *Debet & Detinet* : for when an Executor or Administrator takes the Profits, nothing shall be Assets but the Profits above the Rent. As if the Land is worth ten pound by the year, and five pound is reserved; in this case nothing shall be Assets but the five pound above the Rent, and therefore the Writ shall be for the Rent in the *Debet & Detinet*. *Cokel. 5. fol. 31.*

Decem Tales.

Decem Tales.

Decem Tales. Veies Tales.

Decem Tales. Dec Tales.

Decies tantum.

Decies tantum.

Decies tantum est un Brief q gist lou n Juror e asc. Enquest prist argēt d un pieu d aut, p done son Verdict; donques il payera dix foits a tant q il ad receive: & chescun que voile suer poit aver l'Action, & avera l'un moietie, & le Roy l'auter.

Mes si le Roy en tiel case release p son Pardon a tiel Juror, uncore ceo ne serra Barre ves cestuy que port l'Action q recover l'aut moietie, si non Action soit comēce devant le Pardon le Roy: mes si le Pardon soit devant asc Action, il est Barre encounter tous gents.

Decies tantum is a Writ that lies where a Juror in any Enquest takes money of the one part or other, to give his Verdict; then he shall pay rentimes as much as he hath received: and every one that will sue may have Action, and shall have the one half, and the King the other.

But if the King in such case release by his Pardon to such a Juror, yet that shall be no Bar against him that brings the Action, who shall recover the other half, if this Action be commenced before the Pardon of the King; but if the Pardon be before any Action, it is a Bar against all men.

And the same Law is of all other Actions popular, where one part is to the King, the other to the party that sues. And the Embracers, who procure such Enquests, shall be punished in the same manner, and they shall have imprisonment a year. But no Justice shall enquire thereof ex officio, but only at the Suit of the party.

Deciners.

Deciners are such as were wont to have the oversight and command of Ten free Burghs, for preserving the Kings Peace; and the Limits of Circuit of their Jurisdiction was called Decenna. Bracton l. 3. tract. 2. c. 15. Also you may read Flet. l. 1. c. 27. and Reg. orig. fol. 68. b.

These seemed to have large authority in the Saxons time, taking knowledge of Causes within their Circuit, and redressing wrongs by way of Judgment; as you may read in the Laws of King Edward, set out by Lambert, num. 32. Also there is mention of these in Britton cap. 12. who saith in the Kings person (as he writes his whole Book) in this manner: We will that all such as are fourteen years of age shall make oath that they shall be sufficient and loyal unto Us, and that they will not be felons, nor assenting to felons, and that

Et mesme le ley est d tous Actions populars, lou un part est al Roy, l'autre al partie q suera. Auxy les Embracers, que pcuront tiels Enquests, seront punie en mesme le maner, & ils averont imprisonment d un an. Mes nul Justice enquirera de ceo de Office, mes solement al Suit del partie.

Deciners.

Deciners sont tiels queux soloyent d'aver le survey & check de Dixe friburgs, p le maintenance del Peace le Roy; & les Limits ou Circuit de leur Jurisdiction suit appel Decenna. Bract. l. 3. tract. 2. c. 15. Aux' poyes lier Flet l. 1. c. 27. & Reg. orig. fol. 68. b.

Ceux semble d'aver grand authoritie en le temps des Saxons, pendant conuissance de Causes deins leur Circuit, & reformant torts per voy de Judgement, cõe poyes lier e les Leyes del Roy Edw. public p Lambert, num. 32. Auxy la est mention fait de ceux en Britton, b. 12. q dit e le pson le Roy (come il escria tout son Livre) en tiel maner: Nous voillomus q tous tiels que sont 14 ans d'age fairont serement q ils seront sufficient & loyal a Nous, & q ils ne voient esir Larons, ne assentant a Larons, & q tous soy-

ent pſeſſe deſſir de ē ou tiel *Dozein*, & fair ou offer Bail de lour Behaviour per ceux ou cels *Deciners*; exceptant Religious persons, Clerks, Chivalers, & lour eigne fits, & Femes. Uncore meſme le Author ē ſō 29. *chap.* pchein al fine dit, Que iours al age d 12 ans & deſuis ſont puniſſable ſi nient vner al Tourn de Viſc', exceptant Countees, Prelates, Barons, Religious pſons, & Femes.

Meſme le Ley eſt ou les *Deciners* ſont preſentment, que un Laron eſt priſe pur Larcinie, & deliver al Viſc'. Et *Kitchin* hors del *Regiſt.* & *Britton* iſſint dit, Religious persons, Clerks, Chivalers, ou Femes ne ſeront *Deciners*, fol. 33. Hors de quel poit eſtre collect, q̄ ceſt pol riens auterment implie mes tiel q̄ p ſon Serement de Loyaltie a ſon Prince eſt ſetle ē le fraternitie ou ſociety dun *Dozein*, car neſt uſual a ceſt jour d trouver Suretie iſſint a faiſ. Et jaimes un *Dozein* ſemble ſtend cy tant cōe le Leet extendra, p̄ ceo q̄ ē Leets ſolement ceſt Serment eſt adminiſter p. l. Seneschal, & priſe p tiels q̄ ſont d'age d 12 ans & deſuis resident deins le compaſſ del Leet ou ils ſont jurus. *Fitzh. Nat. Brev.* 161. a. Les particulars de ceſt Serement poyes lier ē *Bract.* l. 3. traſt. 2. c. 1. num. 1. ou il mitra eins quindixe ans pur l' age de

all be proſeſſed to be of this or that Dozein, and make or offer Surety of their behaviour by theſe or thoſe Deciners: except Religious persons, Clerks, Knights, and their eldeſt ſons, and Women. Per the ſame Author in his 29. *chap.* near the end ſaith, That all at the age of 12 years or abowe are puniſſable for not coming to the Sheriffs Tourn, excepting Earls, Prelates, Barons, Religious persons, and Women.

The ſame Law is where the Deciners make preſentment, that a Felon is taken for Theft, and delivered to the Sheriff, And *Kitchen* out of the Register, and *Britton* ſaith thus, Religious persons, Clerks, Knights or Women, ſhall not be Deciners, fol. 33. Whence it may be gathered, that this word implies nothing elſe but ſuch a one as by his Oath of Loyalty to his Prince is ſettled in the combination or ſociety of a Dozein, for it is not uſual at this day to find Surety ſo to do, And now a Dozein ſeems to extend ſo far as the Leet extends, becauſe in Leets only this Oath is adminiſtered by the Steward, and taken by ſuch as are of the age of twelve years and upward, dwelling within the Precinct of the Leet where they are ſworn. *Fitzh. Nat. Brev.* 161. a. The particulars of this Oath you may read in *Bracton*, l. 3. traſt. 2. c. 1. num. 1. where he puts down fifteen years for the age

age of those that are sworn to the Kings Peace; but l. 3. tract. 2. c. 11. num. 5. he names twelve years. See Inlaugh.

From which Premises may be observed the difference between the ancient and these our times in this point of Law and Government, as well for the age of those that are to be sworn, as also that Decliner is not now used for the chief man of a Dozein, but for him that is sworn to the Kings Peace; and lastly, that now there are not any Dozeins, but Leets; and that ordinarily no man gives other Security for keeping the Kings Peace but his own Oath, and therefore no one shall answer for the transgression of another, but every one for himself.

Declaration.

DDeclaration is a Shewing in writing the grief and complaint of the Demandant or Plaintiff against the Tenant or Defendant, wherein he supposes to have received wrong. And this Declaration ought to be plain and certain, both because it impeaches the Defendant, and also compels him to make answer thereto. But note, that such Declaration made by the Demandant against the Tenant in an Action real is properly called a Count.

ceux q̄ sont jurus al Peace le Roy; mes l. 3. tract. 2. c. 11. num. 5 il noīme douze ans. Vles Inlaugh.

Hors de queux premisses peut estre observe le diversity p̄ntor l'ancien & ceux de n̄re temps ē cest point d̄ Ley & Government, cybien p̄ le age d̄ ceux q̄ sont destre jure, cōe aux' q̄ Decliner n'est james use pur le primer home d'un Dozein, mes pur luy que est jure al Peace le Roy; & denierment, q̄ jammes la ne sont asc' Dozeins, forsique Leets; & q̄ nul home communefit donec au' Securitie p̄ gard le Peace le Roy mes son Serem̄t demesne, & que pur ē nul respondera pur l'offence d'un autre, mes chescun pur luy mesme.

Declaration.

DEclaration est un Monstrance en escript de le grief & complaint de le Demandant ou Plaintiff envers le Tenant ou Defendant, en q̄ il suppose d̄ aver receive tort. Et cest Declaration doit estre plain & certain, pur ceo q̄ il impeach le Defendant, & auxy chose celuy a responder. Mes nota, que riel Declaration fait p̄ le Demandant vers le Tenant en Action real est p̄per̄mt appel un Count.

Nota,

Nota. Que le Count ou Declaration doit contene Demonstration, Declaration, & Conclusion. Et en Demonstration sont conteynes troys choses, (cest adire) que se pleynte, envers que, & de quel chose. Et en le Declaration doit estre comprise, coment & en quel maner le cause del Action surdit enter les parties, & quant, & quel jour, an, & lieu, & a que l'Action serra done. Et en Perclose il doit averre & profer de prover son Sult, & monst^r les Dammages queux il susteine per le tort a luy fait.

*De deoneranda pro rata
portionis.*

DE deoneranda, &c. est un Brief qⁱ gist lou un est distrein p^r Rent, qⁱ doit estre paie p^r auters proportionablement ove luy. *Fitzh. Nat. Brev. fol. 234.*

Dedimus potestatem

Dedimus potestatem est un Bre quel gist lou un hōe sue en le Court le Roy, ou est sue, & ne pult bien traverter, donques il avera cest Bre direct a ascun Justice, ou aut^r discreet pson en le Pays, de doner a luy power pur admittere ascun p^r son Atturney, ou

Note. That the Count or Declaration ought to contain Demonstration, Declaration, and Conclusion. And in Demonstration are contained three things, (that is) him who complains, against whom, and for what matter. And in the Declaration there ought to be comprised, how and in what manner the Action rose between the parties, and when, and what day, year, and place, and to whom the Action shall be given. And in the Conclusion he ought to averre and profer to prove his Suit, and shew the Damages which he hath sustained by the wrong done him.

*De deoneranda pro rata
portionis.*

DE deoneranda, &c. is a Writ that lies where one is distressed for Rent, that ought to be paid by others proportionably with him. *Fitz. Nat. Brev. Fol. 234.*

Dedimus potestatem.

Dedimus potestatem is a Writ that lies where a man sues in the Kings Court, or is sued, and cannot well travel, then he shall have this Writ directed to some Justice, or other discreet person in the Countrey, to give him power to admit some man for his Atturney, or
to

to leby a Fine, or to take his Confession, or his Answer, or other Examination, as the matter requires.

à levie Fine, ou de prendre son Confession, ou son Respons, ou autre Examination, cōe le matter requirre.

Defalt.

Defalt is an Offence in omitting that which we ought to do; and most commonly taken for Non-appearance in Court at a day assigned. Bract. lib. 5. tract. 3. and Fleta lib. 6. cap. 14.

Defaut.

Defaut est un Offence en ommittant ceo que doit estre fait; & plus communement pris p Non-apparenee en Court a jour assigne. Br. lib. 5. tract. 3. & Fleta lib. 6. cap. 14.

Defamation.

Defamation is when a man speaks Slanderous words of any other man, Court of Justice, Magistracy, or Title of land: for which the party shall be punished according to the nature and quality of his offence; sometimes by Action upon the Case for Slander, at the Common Law, and other times in the Ecclesiastical Court. As if a man contrive any false news, or horrible and false Lies of Prelates, Dukes, Earls, &c. then an Action De Scandalis Magnarum will lie against him by the Statute of 2 R. 2. cap. 5. and this being proved, the party offending shall be grievously punished. But for words of Defamation against a private man, there the party grieved shall have his Action upon the Case

Defamation.

Defamation est quant home parle Scandalous pols de asc' autre hōe, Court de Justice, Magistracie, ou Title d't're: p quel le partie serra punie accordant al nature & qualite d son offence; ascun foits per Action sur le Case pur Slander, al Commō Ley, & autre foits en le Court Christian. Come si home contrive ascun Faux novels, & horribles & faux Messoinges de Prelates, Dukes, Counts, &c. donq un Action De Scandalis Magnatum gisera vers luy per le Statute d 2 R. 2. cap. 5. & ceo esteant pve, le partie offendant serra grievousment punie. Mes p parols de Defamation vers un private home, la le partie grieve avera son Action sur le Case pur le Slander, &

& recouera en damages accordant al qualite del peche; en que le qualite del person que est issint defam est destre fort considere.

Mes pur Defamations determinable en le Court Christien, ils coviēt de aver trois incidens: Primmēt, coviēt concern mat' meersint Spiritual, & determinable ē le Ecclesiastical Court; come p appell' luy Heretiq; Schismatic; Advounerer, Fornicator, &c. Secundemēt, q il concern mat' meersint Spiritual solement: car si tiel Defamation concern aucun chose determinable al Common Ley, le Ecclesiastical Judge navera comulans de eco: Come si un Divin est destre present a un Benefice, & un (a defeater luy de eco) dit al Patron, que il est un Heretique, ou un Bastard, ou que il est Excommunge, per q le Patron refuse a presenter luy, & il parde son Preserment; il avera Action sur le Case pur ceux Defamations, tendant a tiel fine. Auxy si feme soit oblige que el vivra continēt, ou si Lease soit fait a luy *quandiu casta vixerit*; en ceux cases Incontinēcie serit trye p le Common Ley. Tiercemēt, comēt q tiel Defamation soit meersint & solement Spiritual, uncore cestuy que est defame ne poit suer la pur amends ou Damages, mes le Suit co-

for the Slander, and shall recover in damages according to the quality of the fault: where in the quality of the person who is so defamed is much to be considered.

But for Defamations determinable in the Spiritual Court, they ought to have three incidents: First it ought to concern matter merely Spiritual, and determinable in the Ecclesiastical Court; as for calling him Heretick, Schismatic, Adulterer, Fornicator, &c. Secondly, that it concern matter merely Spiritual only: for if such Defamation concern any thing determinable at the Common Law, the Ecclesiastical Judge shall not have cognisance thereof: As if a Divine is to be presented to a Benefice, and one (to defeat him thereof) saith to the Patron, that he is an Heretick, or a Bastard, or that he is Excommunicated, whereby the Patron refuses to present him, and he loses his Preserment; he shall have an Action upon the Case for these Defamations, tending to such an end. Also if a woman be bound that she shall live continent, for if a Lease be made to her so long as she shall live chaste; in these cases Incontinency shall be tryed by the Common Law. Thirdly, although such Defamation be merely and only Spiritual, yet he that is defamed cannot sue there for amends or Damages, but the

the Suit ought to be only for punishment of the fault, for the Soul's health of him that so offends.

And as for the Slander of a Title to Land, if A. saith that B. hath right in the Lands of C. whereby C. is dammified, then he may have an Action upon the Case for the Defamation of his Title, against A. And although B. hath a colourable Title, yet A. shall be punished, forasmuch as he hath taken upon him knowledge of the Law, and medled in a matter which concerned him not. But if a man saith, that he himself hath right to the Land of another; in this case no Action for Defamation lies, although he knows his Title to be false, *Coke lib. 4. fol. 18.*

vient estre solement pur punishment del peche, *pro salute anime* cestuy que issint offend.

Et quant al Slander de un Title al terre, si A. dit q̄ B. ad droit en les Terres de C. per que C. est dammific, donq; il poit aver Action sur le Case, p̄ le Defamatiō de son Title, vers A. Et nient obstant q̄ B. ad un colourable Title, uncore A. sera punie, entant q̄ il ad imprise sur luy notice del Ley, & intromit en un mat̄r q̄ ne luy pas concerna. Mes si home dit, q̄ il meisme ad droit al Terre de un autre; en cest case nul Action p̄ Defamation gist, nient obstant que il conust que son Title est faux, *Coke lib. 4. fol. 18.*

Defeifance.

Defeifance is a Condition relating to a Deed, as an Obligation, Recognifance, or Statute, which being performed by the Obligor, or Recognisor, the It is disabled and made void, as if it had never been done. And there is no Warrantie, Recognifance, Rent-charge. Annuity, Covenant, Lease for years, or such like, but that they may by a Defeifance, made with the mutual consent of all those who were parties to the creation thereof, by Deed be adnulled,

Defeifance.

Defeifance est un Condition q̄ relate a un Fair, or me a un Obligation, Recognifance, ou Statute, q̄ esteāt p̄form p̄ le Obligor ou Recognisor, le Act est disable & fait volde, sicōe sil ne unques pas ad este fait. Et la est nul Garranty, Recognifance, Rent-charge, Annuity, Covenant, Lease p̄ ans, use al Common Ley, ou tiels semblables, mes q̄ ils poyent p̄ ū Defeifance, fait ove le mutual consent de tous ceux q̄ fueront pties a le creation de
cux

eux, p^r Fait estre adnul, discharge, & defeat. Et le difference pent' ū Proviso ou Cōdition en fait & un *Defeasance* est ē ē, Que le Proviso ou Condition est annexe ou enserf ē le Fait ou Grant; ou un *Defeasance* est usuellement un Fait p^r luy m̄ conclude & agree pent' les pries, & ayant relation a un autre Fait.

Et pur ceo si le Condition de un Obligation soit repugnant al Fait, l' Condition est void, & l' Obligation bone: Come si le Condition soit, que il ne suera Obligation, ē est void, auxy bien come est d' un Feoffment, sur Condition que le Feoffee ne prendra my les Profits. Mes un *Defeasance* est un Grant q̄ est fait apres le Obligation, pur defeat' m̄ le Obligation; & ē est bon, com̄t que il soit repugnant, & issint nient semble a un cōdition, 21 H. 7. f. 24. b. Pur le forme & mañer de *Defeasances* accordant al diversite dī Case veies *west. part. 1. Symb. lib. 2. sect. 230, 231, &c.*

discharged, and defeated. And the difference between a *Proviso* or Condition in Deed and a *Defeasance* is in this, That the *Proviso* or Condition is annexed or inserted in the Deed or Grant; whereas a *Defeasance* is usually a Deed by it self concluded and agreed on between the parties, and having relation to another Deed.

And therefore if the Condition of an Obligation be repugnant to the Deed, the Condition is void, and the Obligation good: As if the Condition be, that he shall not sue the Obligation, this is void, as well as it is of a Feoffment, upon Condition that the Feoffee shall not take the Profits. But a *Defeasance* is a Grant that is made after the Obligation, to defeat the same Obligation; and this is good though it be repugnant, and so not like a Condition. 21 H. 7. fol. 24. b. For the form and manner of *Defeasances* according to the diversity of the Case, see *West. part. 1. Symb. lib. 2. sect. 230, 231, &c.*

Defence.

Defence est ceo que le Defendāt doit faif immediatemēt apres le Count ou Declaration fait, cest adire, que il defenda tout le Tort, Force & Dammage, lou & quant il devera; & donques

Defence.

Defence is that which the Defendant ought to make immediately after the Count or Declaration made, that is, that he defends all the Wrong, Force and Dammage, where and when he ought; and then to proceed

proceed farther to his Plea, or to imparl.

And note, that by defending the Force and Wrong he doth excuse himself of the Wrong against him surmised, and makes himself party to the Plea; and by defending the Damage, he affirms the Plaintiff able to be answered unto.

And for the residue of the Defence, he accepts the power of the Court to hear and determine their Pleas of this matter. For if he will plead to the Jurisdiction, he ought to omit in his Defence these words, (ou & quant il de vera:) and if he will shew any disability in the Plaintiff, and demand Judgment if the party shall be answered unto; then he ought to omit the Defence of the Damage.

Defendant.

Defendant is he that is sued in Action personal, who is called Tenant in an Action real.

Defendemus.

Defendemus is an ordinary word in a Feoffment or Donation, and hath this force, that it binds the Donor, and his Heirs to defend the Donee, if any man go about to lay any Servitude upon the thing gi-

de proceed ouster a son Plee, ou de imparler.

Et nota, que entant que il defend Tort & Force, il se excuse del Tort vers luy surmise, & fait se partie al Plee; & per tant que il defend les Damages, il affirme le Plaintiff able destre respondue.

Et pur le residue del Defence, il accepte le power del Court de oyer & determiner les Plees de cel matter. Car sil voil pleader al Jurisdiction, il doit omittre en son Defence les parols (ou & quant il de vera.) & sil voil monstre asc' disability en le Plaintiff, & demand Judgment si le partie serra respondue; donques il doit omittre le Defence del Damage.

Defendant.

Defendant est celuy que est sue en Action personel q est appel Tenant en un Action real.

Defendemus.

Defendemus est un usual parol en un Feoffment ou Donation, & ad cest force, q il lia le Donor & ses Heires a defender le Donee, si aucun hōe endeavor de imposer asc' Servitude sur le chose done, autor

auter que est contein en le Donation. *Bract. lib. 2. cap. 16. nu. 10.* Vetus auxy *War-rantizabimus.*

ben, other then is contained in the Donation. *Bracton lib. 2. cap. 16. num. 10.* See also *War-rantizantibus.*

Defensor Fidei.

Defender of the Faith.

Defendeur de la Foy est un peculiar Title don a Roy d'Angleterre p le Pape, come Catholicus a Roy d'Espaigne, & Christianissimus a Roy d'France. Il fuit primerment don p Leo x. a Roy H. 8 p escrire vers Mart. Luther; en part del Eglise de Rome. *Stow's Annals, p. 863.*

Defender of the Faith is a peculiar Title given to the King of England by the Pope, as Catholicus to the King of Spain, and Christianissimus to the French King. It was first given by Leo. x. to H. 8. for writing against Martin Luther, in behalf of the Church of Rome. *Stow's Annals p. 863.*

Deforsour.

Deforceor.

Deforsour est celuy que prevall & ject hors ove Force; que differt dun Dis-sessor, primerment en c, que hom poit disseise un aut' s'as Force, quel act est appel Simple Disseisin, *Brit. cap. 33.* Donque pur ceo q hom poit deforce un auter q ne unques fuit en possession; come si plusors ont droit al Terres come common Heirs, & un rient eux hors, le Ley dit, q il eux deforce, nient obstant q il ne eux disseisa pas. *Veiel N. B. fol. 118.* Si Tenant en taile fait Feoffment en fee, p que le Feoffee est eins, & puis le Tenant en taile morust, & son issue suist Bre de Formedon envers le Feoffee;

Deforceor is he that overcomes and casts out with force; who differs from a Dissessor, first in this, that a man may disseise another without force, which act is called Simple Disseisin, *Britton cap. 33.* Then because a man may deforce another that never was in possession; as if many have right to Lands as common Heirs, and one keeps them out, the Law saith, that he deforces them, though he never disseised them. *Old Nat. Brev. fol. 118.* If Tenant in tail makes a Feoffment in fee by which the Feoffee is in, and afterward the Tenant in tail dies, and his issue sues a Writ of Formedon against the Feoffee; the Writ shall say, and

and also the Count, &c. that the Feoffee wrongfully deforced him &c. though he did not disseise him, because he entred in the life of the Tenant in tail, and the Heir had no present right. Lit. fol. 138. And a De-forceor differs from an Intruder, because a De-forceor keeps out the right Heir, as aforesaid; and a man is made an Intruder by a wrongful Entry only in Lands or Tenements void of a Possessor. Bract. lib. 4. cap. 1.

And because Force and Forcible entry into Lands is so opposite to the Peace and Justice of the Realm, and a dishonour of the King and his Crown, and discredit of the Law, that any person by birth and oath obliged to the obedience of the King and his Laws, should presume of his own authority by Force and strong hand to resist them both, by violent Intrusion into the Possession of another before the Law hath decided his Title therein; therefore divers Statutes have been made for the restraint and reformation of these Abuses; as, among others, the Stat. of 5 R. 2. ca. 7. where the King defends any Entry into Lands or Tenements; but in case where Entry is given by the Law; and then not with strong hand, or with a multitude of people, but only in a peaceable manner. See more of this in Poult. de pace Reg. f. 34. 35. &c.

le B're dirr, & auxyle Cou; &c. que le Feoffee a tort luy deforce, &c. com' q' il ne luy disseise, pur ceo que il ent' en le vie le Tenant en tail, & le H-ire ad nul present droit. Littl ton f. 1:8. Et un De-forceor differt de un Intrudor, p' ceo que un De-forceor tient hors le droit Heire, come avantdit; & home est fait un Intrudor p' son tortious Entry sollement en Terres ou Tenements void de un Possessor. Bract. lib. 4. c. 1.

Et pur ceo que Force & Forcible entree en Terres est cy opposie al Peace & Justice del Royalm, & u' dishonour del Roy & son Corone, & le scandal de Ley, que aucun pers'n p' r' nestre & serement oblige al obedience del Roy & les Leyes, presumerat de son authority per Force & fort main d' resister eux a nuldeux, per violent intrusion en le Possession d' un autre devant le Ley ad decid son Title en ceo; p' ceo divers Statutes on este faitz p' le restraint & reformation de ceux Abuses; come, ent' autres, le Stat. de 5 R. 2. cap. 7. ou le Roy defend asc' Entree en Terres ou Tenements; mes en case ou Entree est done p' le Ley, & donq' nemy ove fort main, ou ove multitude de gentz, mes sollement en un peaceable manner. Veies plus de ceo la Poult. de pac Reg. f. 34. 35. &c.

Degrading.

D^{Egrading.} Veis ^{Dis-}
^{grading.}

Delegates.

Sont Comissioners appoint
p Letters Pat^a a deter-
miner Appeal sur choses testa-
mentary ou matrimonial, en
q sentence fuit rendue.

Demaines.

D^{Emaines} ou ^{Demesnes},
generalment a parler, sont
touts les parts de asc^e Mañ qñ
ne sont en mains del Free-
holders, comñ soyent occu-
pie p Tenant Cople d Court
Rol^s, Lessees pur ans ou p vie,
cybien comñ Teñts a volūt. Et
le reason que Copihold est ac-
cōut Demesns est, p cēo que
ils q sont Teñts a cēo sont ad-
judge en Ley daver nul autre
Estate forsq; al volūt del Sñr,
issint que il est Jamñs repete
destre ē ū manner ē les mains
le Sñr: uncore en comñ p-
lāce il est usualmñt appell *De-*
mesnes que nest ou free ou cop-
pie. Et cest parol *Demesne* est
asc^e soits use ē un pluis spe-
cial signification, & est oppo-
site al Frank-fee; sicome ceux
Terres qñx fueront en l' pos-

Degrading.

D^{Egrading.} ^{See} Disgra-
^{ding.}

Delegates.

ARE Commissioners ap-
pointed by Letters Pa-
tents to determine Appeals upon
things testamentary or matri-
monial, in which sentence was
given.

Demaines.

D^{Emaines} or ^{Demesnes}, gene-
rally speaking, are all the
parts of any Mannor which are
not in the hands of Freehold-
ers, though they be held by
Copp-holders, Lessors for years
or for life, as well as Tenants
at will. And the reason why
Copp-hold is accounted *De-*
mesnes is, because they who are
Tenants to it are adjudged in
Law to have no other Estate
but at the will of the Lord, so
that it is still reputed to be in a
manner in the Lords hands:
yet in common speech that
is ordinarily called *Demesnes*
which is neither free nor copp.
And this word *Demesne* is
sometimes used in a more spe-
cial signification, and is opposite
to Frank-fee; as those Lands
which were in the possession of
Edward

Edward the Confessor, are called Ancient demesne, and all others are called Frank-fee, Kitch. fol. 98. and the Tenants which hold any of those Lands are called Tenants in Ancient demesne, the other Tenants in Frank-fee. And no common person hath any Demesnes in the simple acceptation of the word, because there is no Land but depends mediately or immediately of the Crown, that is, of some Honor or other belonging to the Crown, and not granted in fee to any inferior person; and therefore when a man in pleading will signify his Land to be his own, he saith, That he is or was seized thereof in his Demesne as of Fee, Littleton, f. 3. whereby it appears, that though his Land be to him and his Heirs for ever, yet it is not true Demesne, but depending upon a superior Lord, and holding by Service, or Rent in lieu of Service, or by Service and Rent together.

Demaines; according to the common speech, are only understood the Lords chief Manors-place, which he and his Ancestors have time out of mind kept in their own hands, with all buildings and houses, meadows, pastures, woods, arable lands, and such like thereunto occupied.

sessio de Ed. le Confessor sont appel *Ancient demesne*, & tous autres sont appel *Frank-fee*, Kitch. fol. 98. & les Tenants qui tiennent asc' d'ceux Terres sont appel *Tenants en Ancient demesne*, les autres Tenants en Frank-fee. Et nul commun pson ad asc' Demesnes en le simple prisance del pol, p' ceo que la n'est asc' Terre mes depend mediatement ou immediatement del Corone, ceo est, de asc' Honor ou autre appartenant al Corone; & nemy grant en fee al asc' inferior pson; & p' quant un hōe en pleadant voile enferre son Terre de s're son Demesne, il dit, Que il est ou fuit seise de ceo. Et son Demesne cōe de Fee, Littleton, fol. 3. p' que appiert, q' nient obstat son Terre soit a luy & ses Heirs a tous jours, uncore il n'est voyer Demesne, mes dependant sur un Seignior paramount, & tiendrant p' Service, ou Rent en lieu de Service, ou p' Service & Rent ensemble.

Demains, solong le commun plance, sont solemt entend le principal Manor-place del Seignior, q' il & ses Ancestors ont ewe de temps liors de memorie en leur maines demesne, ove tous edifices & meais, prees, pastures, boys, terres cyrable, & riels semblables ove ceo occupie.

Demand.

Demand est vocabulum Artis, & si un release a ū auter tous Demands, ceo est (sicome Littl. fol. 117. a. dit) le plus melliore Release a luy a q le Release est fait que il poit aver, & plus enurera a son advantage; car p c' non solemt tous Demands, mes aux' tous causes de Demands sōt release. Et sōt deux manērs d Demands, cestascavoir, en Fait, & en Ley. *En Fait*, cōc en chescun *Præcipe* la est expresse Demand; & p c' e real Action il est appell Demandant, en psonal Plaintiff. *En Ley*, come chescun *Entrie* en Terre, *Distresse p Rent*, *Priſel* ou *ſeifure* des biens, & ſemblable acts e Pays, q poient eſtr fait ſans aſc' pols ou demāds e Ley. Sicōc Release de Suits est plus large q Release des Querels ou de Actions; iſſint Release des Demands est plus large & beneficial q aſc' de eux, car p c' est release tout ceo q p les autres est release, & plus. Per Release de tous Demands, tous Franktenements & Inheritances executorie ſont release; Per Release de tous Demands al Diſſeiſor, le droit de *Entrie* en le terre, & tout q est contene deins ceo, est release: Per Release de tous Demands, tous

Demand.

Demand is a word of art, and if one release to another all Demands, this is, (as Littleton, fol. 117. a. ſaith) the best Release to him to whom the Release is made that he can have, and ſhall moſt enure to his advantage; for by it not onely all Demands, but alſo all cauſes of Demands are released. And there are two manner of Demands, that is, in Deed, and in Law. In Deed, as in every *Præcipe* there is expreſſe Demand; and therefore in real Actions he is called Demandant, in perſonal Plaintiff. In Law, as every *Entry* in Land, *Diſtreſſe for Rent*, *Taking* or *ſeifure* of Goods, and ſuch like acts in the Countrey, which may be done without any words or demands in Law. As a Release of Suits is more large then a Release of Quarrels or of Actions; ſo a Release of Demands is more large and beneficial than either of them, for by it is released all that which by the others is released, and more. By Release of all Demands, all Freeholds and Inheritances executoy are released: By Release of all Demands to the Diſſeiſor, the right of the *Entry* in the land, and all that is contained therein, is released: By Release of all Demands, all

Exe-

Executions are released; and he that releases all Demands, excludes himself from all Actions, Entries, and Seisures.

Littleton, fol. 170. holds, That if Tenant in tail enfeoffs his Uncle, who enfeoffs another in fee with Warranty; if after the Feoffee by his Deed releases to the Uncle all manner of Demands, by such Release the Warranty, which is a Covenant real and executory, is extinct: and the reason is, because that by Release of Demands all the means and remedies, and their causes, which any hath to Lands, Tenements, Goods, Chattels, &c. are extinct, and, by consequence, the right and interest it self unto the thing. Yet a Release of all Demands doth not extend to such Writs by which nothing is demanded, neither in Deed nor in Law, but lie only to relieve the Plaintiff by way of Discharge, and not by way of Demand; as a Release of all Demands is no Bar in a Writ of Error to reverse an Outlawry, and so of such like. See 18 Edw. 3. 59. Coke. lib. 8. fol. 153, 154.

Executions sont release: & cestuy que release tous Demands, exclude luy m de tous Actions, Entries, & Seisures.

Lit. f. 170. teign, Que si Tenant en taile enfeoffe son Uncle, l' q enfeoffe un aut' e fee ove Garrantie; si apres le Feoffee per son Fait releffa a son uncle tous maners d Demands, p tiel Release le Garrantie, que est Covenant real & executorie, est extinct: & le reason est, p ceo que p Release des Demands tous les meanes & remedies, & les causes de eux, que aucun ad al tres. tenements, biens, chatels, &c. sont extinct, & p consequence, le droit & interest m al chose. Uncore Releas d tous Demands ne extend a tiels Bfs per queux riens est demand, neque en Fait neque en Ley, mes gisont seulement a relievier le Plaintiff per voy de Discharge, & nemy p voy d Demand; come Releas d tout Demands nest Bar in Bfe de Error de reverse un Utlagarie, & issint dessemblables. Veies 18 Ed. 3. 59. Coke. lib. 8. fol. 153, 154.

Demandant.

D*emandant* est celuy que sue ou complain e Action real p Title de terre ; & il est appel *Plaintiff* en un *Affise*, & e un *Action* psonal, p *Det*, *Trns*, *Disceit*, *Detinue*, & tiels semblables.

Demurrage.

E*ST* dit le temps que un Neif gist idle en un port ou Harbour ou sur le mere en un calm.

Demurrer.

D*emurrer* est, quant ascon *Action* est port, & le Defendant plead un *Plee*, a q le plaintiff dit q ne voile respond, p ceo que il n'est sufficient *Plee* en Ley ; & le Defendant aver le contraire, que il est sufficient *Plee* ; & sur ceo ambideux mitteront le Cause al Judgmt del Court : que est appel un *Demurrer*, p c o que ils ne vont ouster en pleading, mes demurrer sur Judgement de cel point ; & dicitur en Latine Records, *Moratur in Lite*.

Car en chesc' *Action* le difference consist ou en *Fait*, ou en *Ley*. Si en *Fait*, il est trie

Demandant.

D*emandantis* he that sues or complains in an *Action* real se! *Title* of land ; and he is called *Plaintiff* in an *Affise*, and in an *Action* personal, for *Debt*, *Trespas*, *Detceit*, *Detinue* and such like.

Demurrage.

Is called the time when a Ship lies idle in a Port or Harbour or on the Sea in a Calm.

Demurrer.

D*emurrer* is when any *Action* is brought, and the Defendant pleads a *Plea*, to which the Plaintiff says that he will not answer, for that it is not a sufficient *Plea* in the Law ; and the Defendant avers the contrary, that it is a sufficient *Plea* ; and thereupon both parties submit the Cause to the Judgement of the Court : which is called a *Demurrer*, for that they go not forward in pleading, but rest upon Judgement in that point ; and is called in Latine Records, *Moratur in Lege*.

For in every *Action* the difference consists either in *Deed* or in *Law*. If in *Fact*, it is tried

tried by the Jury; if in Law, then the matter is either plain, or difficult and rare: if it be plain, then Judgment is presently given; but when it is hard and doubtfull, then is stay made, and time taken either to consider farther thereupon by the Judges, to agree if they can, or otherwise for all the Justices to meet together in the Exchequer-Chamber, and, upon hearing of that which the Sergeants shall say unto both parts, to advise and determine what is Law; and that which is there concluded on by them shall stand firm, without further remedy.

There is also a Demurrer to Evidence given to a Jury upon Tryal of an Issue, *Plow. Com. 2. 3. Rast. Entr. 607.*

Half blood.

Half blood is, when a man marries a wife, and hath issue by her a son or daughter, and the wife dies, and then he takes another woman, and hath by her also a son or daughter: Now these two sons are after a sort Brothers, or as they are termed, Half-brothers, or Brothers of the half blood, that is, Brothers by the Fathers side, because they had both one father, and are both of his blood, and not Brothers at all by the Mothers side, nor of blood nor kin that way; and

per le Pals: si en Ley, donq; le matter est ou facile, ou dure & rare: si il soit facile, donq; Judgement est immediatement done; mes qũt il est dure & en awrust, donque la est Demurrer fait, & temps prise ou de consider ouster sur c p les Judges, d agreeer si ils poient, ou autrement p tous les Justic' d vener ensemble en le Exchequer-Chamber, & sur oyer de ceo que les Sergeants dieront de ambideux parts, d adviser & determiner que est Ley; & ceo que est la conclude per eux estroyera firme, sans auter remedie.

Est auxy un Demurrer al Evidence done a un Jury sur Tryal d'un issue, *Plow. Com. 2. 3. Rast. Entr. 607.*

Demy sanke, ou sangue.

Demy sanke est, quant un home marie un feme, & ad issue per luy un fitz ou file, & le feme morust, & donques il prist un aut' feme, & ad p luy auxy un fitz ou file: Ore ceux fitz sont solonque un mañer Freres, ou, come ils sont appells Demy-freres, ou Freres del demy sanke, cest adire, Freres per le part de Pere, pur ceo que ils ont ambideux un pere, & sont ambideux de son sangue, & nemy Freres p le part le Mere, ne de ascun sanke ou kinne cest

Voyez & par ceo leun de eux ne poit estre Heire al'auter : car il que volles claime come Heire al'un per discent, doit estre de Entire. sanke a luy de que il claime. En mesme le manner cest, si feme eyte divers issues per divers barons, qui *Fratres uterini* dicuntur.

Denariata terra.

DENARIATA terra. Veies *Fardingdeal.*

Denelage.

DENelage est le Ley que les Dantes fesoient icy en Engleterre, hors de q. & Merchenlage & Westsaxonlage. Guillaume le Conqueror compose certain Ordinances de tre observe p ses subjects.

Denizen.

DENizen, ou Donaison, est, lou Alien nee devient le Subject le Roy, & obtaint les Letters Patents le Roy pur injoy tous Priviledges come un home Anglois : mes si un soit fait Denizen, il paye Customs & divers autres choses come Alien, come appiert per divers Statutes de ceo fait.

therefore the one of them cannot be Heir to the other : for he that will claim as Heir to one by descent, must be of whole blood to him from whom he claims. In the same manner it is, if a woman have divers issues by divers husbands, who are called *Brothers* by one *Stepther*.

Denariata terra.

DENARIATA Terra. See *Fardingdeal.*

Denelage.

DENelage is the Law that the Dantes made here in England, out of which and Merchenlage and Westsaxonlage William the Conquerour composed certain Ordinances to be observed by his subjects.

Denizen.

DENizen, or Donaison, is, where an Alien born becomes the Kings Subject, and obtains the Kings Letters Patents to enjoy all Priviledges as an English man : but if one be made Denizen, he shall pay Customs and divers other things as Alien, as it appears by divers Statutes thereof made.

It seems that Donaison is the true name so called, because that his Legitimation is given to him, and not Denizen, as derived from Deins nec. And the Law is so precise in the making of Denizens, that the King cannot grant power to any other to make Aliens born Denizens, it is by the Law so inseparably and individually annexed to his Royal person; for the Law esteems it an high Prerogative, to make Aliens Subjects of the Realm, and capable of Lands and Inheritances, as natural born Subjects are.

And therefore the Statute of 27 H. 8. c. 24. which reunites many of the most ancient Prerogatives and Regal Flowers of the Crown, makes no mention of any authority to make Letters of Denization to be resumed, for that never any claimed it be any pretext whatsoever, it being so high a point of Prerogative. See Cok. l. 7. Calvins Case.

Deodand.

Deodand is, when any man by misfortune is slain by a Horse, Cart, or any other thing that moves to further his death; such thing which at the time of his misfortune did move, or cause his death shall be forfeit to the King, and that is called Deodand; and that pertains to

Il semble que Donaison est le voyer nomme, issint appel, pur ceo que son Legitimation est dona a luy; & nemy Denizen, come derive de Deins nec. Et le Ley est cy precise e le sealans de Donaisons, que le Roy ne poist grant al aucun autre a faire de Aliens nec Donaisons, il est p la Ley cy inseperablemēt & Individuallmēt anēx a sō Royal Person, car le Ley esteem c' un hault Prerogative, a faire Aliens subjects del Royaulme, & capable de Terres & Inheritances, come natural Subjects nec sont.

Et p ceo le Stat. de 27 H. 8. c. 24. q reunire plusors del plus ancient Prerogatives & Regal Flowers del Coron, ne pas mention aucun auhority de faire Lettres de Donaisation desir resume, pur e q asc' ne unq ceo clasm pas per asc' pretext quecunque, Il esteant cy hault point d Prerogative. Veles Co. lib. 7. Calvins Case.

Deodand.

Deodand est, quant aucun home p misfortune est occid p un Chival, Charrret, ou autre chose moyeant ou aydant son mort; cel chose que est le cause de son mort, & que al temps de la misfortune mova, sera forfleit al Roy, & ceo est appel Deodand.

and; & ceo pertelme al Almon' le Roy, pur disposer en Almes & overs de charitie.

Mes il nest forfeit tanque le chose soit trove d Record, & pur ceo ils ne poyent este claime p Prescription: & le Jurie que trove ou present le mort per tiel misadventure, doient auxy trover & apprise le Deodand. Co. l. 5. f. 110.

Si un Chival percust un home, & puis le Owner vend le Chival, & donq le partie q fuit peusse morust del stroke; en ceo case le Chival serra forfeit come Deodand, nient obstant le vendicion; car relation serra al stroke que fuit paravant le vendicion. Plow. Com. fo. 260. b.

Omnia que movent ad mortem sunt Deodanda.

*Departure de son Plee
ou matter.*

DEparture de son Plee ou matter est. lo un hōe plede un Plee en bar, & le Plaintiff reply a ceo, & il apres en son Rejoynder plede ou monstre auter matter, contrarie, ou nient pursuant a son primer Plee en bar; ceo est appel un Departure de son Barre. Come si hōme plead ū genal Agreement en bar, & en le Rejoynder il alledge un especial Agreement; ceo serra adjudge un Departure en Pleading.

the Kings Almoner, for to dispose in Alms and Deeds of Charity.

But it is not forfeited untill the matter be found of Record, and therefore they cannot be claimed by Prescription: and the Jury that finds or presents the death by such misadventure, ought also to find and appraise the Deodand. Co. l. 5. f. 110.

If a Horse strikes one, and afterwards the Owner sells the Horse, and then the party that was stricken dies of the stroke; in this case the Horse shall be forfeited as a Deodand, notwithstanding the sale; for relation shall be had to the stroke which was before the sale. Plow. Com. 260. b.

(dead,
What move to death, or kill the
Are Deodand and forfeited.

*Departure from a Plea
or matter.*

DEparture from a Plea or matter is, where a man pleads a Plea in bar, and the Plaintiff replies thereto, and he after in his Rejoynder pleads or shewes another matter, contrary, or not pursuing to his first Plea; that is called a Departure from his Bar. As if a man pleads a general Agreement in bar, and in the Rejoynder he alleges an especial Agreement; this shall be adjudged a Departure in Pleading. Do in Trespass,

pass, if the Defendant will plead a discent to him, and the Plaintiff saith, that after this the Defendant encoffed him, and the Defendant saith, that this Fessment was upon Condition, for the breach whereof he entred, this is a Departure from the Bar, for it is a new matter. See Plow. Com. f. 7. & 8.

Departure in despite of the Court.

DEparture in despite of the Court is, when the Tenant or Defendant appears to an Action, and hath a day over in the same Term, or is called after, though he had no day given him, so that it be in the same Term, if he do not appear, but make Default, it is a Departure in despite of the Court, and therefore he shall be condemned.

And it is to be observed, that Departure in despite of the Court is always of the part of the Tenant or Defendant, and the Entry thereof is, *Quod prædictus A, licet solenniter exactus, non reuenerit, sed in contemptum Curie recessit, & Defaultam fecit*: and this is when in judgement of the Law he is present in Court, and being demanded, departs in despite of the Court; this amounts to a Bar in respect of the Despite and Contempt of the Court. See Cok. lib. 3. f. 62.

Iffint en Trespasse, si le Defendant voil' pleader discent a luy, & le Plaintiff dit, que puis ceo le Defendant incoffee luy, & le Defendant dit, que ceo Fcoffment fuit sur Condition, pur le enfriend de que il enter; ceo est Departure del Barre, car est novel chose. Veies Plow. Com. f. 7, & 8.

Departure en spite del Court.

DEparture en spite del Court est, quant le Tenant ou Defendant appeare al Action, & ad jour ouster en mesme le Terme, ou est demand apres, coment nul jour soit en mesme le Terme, sil ne appear, mes fait Default, cest un Departure en despite de Court, & pur ceo il serra condemne.

Et est desire observe, que Departure en despite del Court est routs fois del part del Tenant ou Defendant, & le Entry de ceo est, *Quod prædictus A, licet solenniter exactus, non reuenerit, sed in contemptum Curie recessit, & Defaultam fecit*: & ceo est quant en judgement del Ley il est present en Court, & esleant demand, depart en despite del Court; ceo amount a un Barre en respect del Despite & Contempt al Court. Veies Col. 8. f. 62.

Deprivation.

Deprivation est, quant un Abbe, Eveſque, Parſon, Vicar, Prebend, &c. est deprivé ou depôſé de ſon Préſerment pur aucun choſe en Fait ou en Ley. Come ſi un Miſcreant ou Schiſmaticque ſoit préſent, admit, & induit, la eſt bone cauſe de Deprivation: Iſſint ſi mere Laïcus ſoit préſent, admit, inſtitute, & induit, uncore il ſerra deprivé: ou ſi l'Incumbent ad Plurality des Benefices; ou ne ſubſcribe a les Articles de Religion, ſolonique l' Statute de 13 Eliz. cap. 12.

Per le Statute de 21 H. 8. cap. 13. eſt enact, Que ſi aſc. perſon, ayont un Benefice ove *Cura animarum* del annuel value d huit livrs ou ouſter, accepta ou pndra aſcun sur ove Cure des ames, & ſoit inſtitute & induit en le poſſeſſion de ceo; le prim Benefice ſerra void, & le Incumbent en ceo caſe eſt ouſte ou deprivé p Ceſſion. En q̄l caſe ne beſoigne al Eveſque a doner notice al Patron, p ceo que le Deprivation eſt p Act d Parliament, a que cheſcun eſt partie, & doit prender notice a ſon peril. Mes aut'ment eſt ſi le primer Egliſe ne ſoit de annuel value de huit livrs, car donq̄ ceo eſt volde mereſint p l' Eccleſiaſtical Ley. Veies *coſ. lib. 4. f. 76. & lib. 7. 43. b.*

Deprivation.

Deprivation is, when an Abbot, Biſhop, Parſon, Vicar, Prebend, &c. is deprived or depoſed from his Preſerment for any matter in Fact or in Law: As if a Miſcreant or Schiſmatick be preſented, admitted, and induced, there is good cauſe of Deprivation: So if a meer Lay-man be preſented, admitted, inſtituted, and induced, yet he ſhall be deprived: or if the Incumbent hath Plurality of Benefices; or ſubſcribe not to the Articles of Religion, according to the Stat. of 13 Eliz. cap. 12.

By the Statute of 21 H. 8. cap. 13. it is enacted, That if any perſon, having a Benefice with Cure of ſouls of the yearly value of eight pounds, or more accepts or takes any other with Cure of ſouls, and be inſtituted and induced into the poſſeſſion thereof; the firſt Benefice ſhall be void, and the Incumbent in this caſe is outed or deprived by Ceſſion. In which caſe the Biſhop needs not give notice to the Patron, becauſe the Deprivation is by Act of Parliament, to which every one is party, and ought to take notice at his peril. But otherwiſe it is if the firſt Church be not of the yearly value of eight pounds, for then it is void merely by the Eccleſiaſtical Law. See *Co. l. 4. f. 76. and l. 7. 43. b.*

Deputie

Deputie

DEputie is he that exercises in another mans right either Office or any other thing; and his forfeiture or misdemeanour shall cause the Officer, or him whose Deputy he is, to lose his Office. But a man cannot make his Deputy in all cases, except the Grant so be: as if it be with these or such like words, To exercise or use by himself or his sufficient Deputy; or if the words go farther, To himself or his Deputy, or the Deputy of his Deputy, then he may make a Deputy, and his Deputy also may make a Deputy, or else not. As if the Office of a Partnership be granted to one, he cannot grant this over to another, because it is an Office of trust and confidence, and shall not be forfeited. And there is great diversity between Deputy and Assignee of an Office: for an Assignee is a person that hath an Estate or interest in the Office it self, and doth all things in his own name, for whom his Grantor shall not answer, unless it be in especial cases; and a Deputy hath not any Estate or interest in the Office; but is only the shadow of the Officer, and doth all things in the name of the Officer himself, and nothing in his own name, and for which his Grantor shall an-

Deputie

DEputie est celuy que exerce en aut droit, soit ceo Office ou ale' sur chose: & son forfeiture ou misdemeanor causer l' Officer, ou celuy q' Deputie il est, de perdre son Office. Mes n' ne poit faire son Deputie en tous cases, nisi le Grant soit i'sfinir: sicome s'il soit ove ceux ou i'els seblables parolx, *Exercendo per se, vel sufficientem Deputatum suum*; ou si les parolx ouster, *Per se, vel Deputatum suum, aut Deputat. Deputati*, donqs il poit faire un Deputie, & son Deputie auxy poit faire un Deput' aut' me nemy. Cõe si l' Office de Partnership soit grant a un, il ne poit grant' ceo ouster a un autre, pur ceo q' est Office de trust & confidence, & ne sera forfeit. Et la est grand diversite' inter Deputie & Assignee d' un Office: car un Assignee est person que ad estate ou interest en l' Office m, & fait tous choses & son nosme demesne, s' que son Grantor ne respondera, si non que soit en especial cases; & un Deputie nad aucun Estate ou interest en l' Office, mes est forsque l' umbre del Officer, & fait tous choses en le nosme del Officer mesme, & rien en son nosme demesne, & pur que son

son Grantor respondera : & quant un Officer ad power a faire Assignes, il poit implicitement faire Deputies, car, *Cui licet quod majus est, non debet quod minus est non licere* ; & pur ceo quant Office est grant a un & a ses heires, per ceo il poit faire Assignes, & p consequence il poit faire Deputies.

Le Roy p ses Letters Patents comit al Vis' *Custodiam Comitatus*, sans expresse parols de faire Deputie ; & uncore il poit faire un Southvisc', cestascavoir, son Deputie. Issint quant devant le Statute de *Quia emptores terrarum*, le Roy ou aut' Sâr ad done Tetres a un Chivaler, a teñ de luy p Service de Chivalre, cest adire, d aler ove son Seignr (quant le Roy fait Voyage Royal a subduer ses enemies) pur 40 jours, bien & convenablement array p le Guerre; ore il poit trover aut' able pson ; uncore e l'un case il concerna le publicq Administration & execution del Justice e temps de Peace ; & e l'aut' le publicq Defence d'l Royalme e temps de Guerre. Veies Coke l. 9. Le Countee de Salops Case.

shew : and where an Officer hath power to make Assigns, he may implicitly make Deputies, for, He that may do more it ought not to be held unlawful for him to do less ; and therefore when an Office is granted to one and to his heirs, by this he may make Assigns, and by consequence he may make Deputies.

The King by his Letters Patents commits to the Sheriff the Custody of the County, without express words of making Deputy ; and yet he may make an Under Sheriff, viz. his Deputy. So where before the Statute of *Quia emptores terrarum*, the King or other Lord had given Lands to a Knight, to hold of him by Knights Service, that is, to go with his Lord (when the King makes a Voyage Royal to subdue his enemies) for 40 days, well and conveniently arrayed for the War ; yet he may find another able person : howbeit in the one case it concerns the publick Administration and execution of Justice in time of Peace ; and in the other, the publick defence of the Realm in time of War. See Coke l. 9. Le Countee de Salops Case.

Dereine.

DEreine is taken in divers senses, and seems to come from the French Disarrayer, that is, to confound or put out of order: or else the Norman word Desrene, which is the denial of a mans omonat; and Lex Deraisia was the Proof of a thing which one denies to be done by himself, and his adversary affirms it; defeating and confounding the assertion of his adversary, and shewing it to be without and against reason or probability. And in our Law it is diversly used. First generally, to prove; as, *Dirat onabit jus suum hares propinquior*, Glanville l. 2. c. 6. and he, l. 4. c. 6. saith, *Habeo probos homines qui viderunt & audiverunt, & parati sunt hoc dirationare*. In the same manner Bracton uses it, *Habeo sufficientem Disratiocinationem & probationem*.

By the Statute of 31 H. 8. cap. 1. Joyntenants and Tenants in common shall have Aid, to the intent to deraigne the Garranty paramount. So Plo. in *Manxels Case*, fol. 7. b. hath this Case, If a man hath an Estate in fee with Garranty, and enfeoffs a stranger with Garranty, and dies, and the feoffee vouches his Heir; the Heir shall deraigne the first Garranty. Also this word is used when Religious men forsake

Dereine.

DEreine ou Deraigne est prise en divers senses, & semble a venir del Francois *Disarrayer*, ceo est, confounder ou mitter hors d'ord, ou autrement del Norman *pol Desrene*, q est le denial del pp fait d'un home; & *Lex Deraisia* fuist le Proof d'un chose que un denia desre fait p luy mesme, & son adversarie affirme, defeatant & confondant le assertion de son adversarie, & monstrant ceo desre sans & envers reason ou pabilite. Et e nre Ley il est varioussim use. Primerment generalment, de pver; cõe, *Dirationabit jus suum hares propinquior*, Glan. l. 2. c. 6. & il l. 4. c. 6. dit, *Habeo probos homines qui hoc viderunt & audiverunt, & parati sunt hoc dirationare*. En m le maner Bract. c use, *Habeo sufficientem Disratiocinationem & probat*.

Per le Statute de 31 H. 8. c. 1. Joyntenants & Tenants en common averont Ayde, al entent a deraigner le Garrantie paramount. Issint Plo. in *Manxels Case* fol. 7. b. ad cest Case, Si home ad Estate en fee ove Garrantie, & enfeoffe estranger ove Garrantie, & morust, & le Feoffee vouch son Heire; le Heire deraignera le primer Garrantie. Auxy cest parol est use quāt Religious homes w-iva leur

their Orders & Professions : come en *Kitch.* fol. 152. b. si home fait Lease p vie sur condition, q si le Lessor devie sans issue, que donques le Lessee avera Fee, le Lessee enter en Religion, & puis le Lessor devie sans issue, & puis le Lessee est deraigne; il n'averá Fee, tant q al temps del Condition le Fee ne soit vest en luy.

De son tort demesne.

DE son tort demesne sem- ble deffr certain pils d'form e un Actio d Trespasse, usa p voy d Reply al Plee d' Descedant: Cde si A suist B e un Actio de Trespasse, B respöduë p luy mesme, que il ad e fait q A appel Trespas p le commandmēt d e son Maister; A dit arere, q B ad ceo fait de son tort demesne, sans ceo que e luy comāda modo & forma, &c.

Det.

DEt est un Brief que gist lou asc' somme d' argēt est due a un p reason d' Ac- cōmpt, Bargain, Contract, Obligar, ou aut' Especialtie, a estre pay a asc' certain jour, le quel nest paya; donques il aver cest Bre. Mes si asc' argēt soit due a asc' Sñr p son Tenant p asc' Rent-service,

as in *Kitch.* fol. 152. b. if a man makes a Lease for life upon condition, that if the Lessor dies without issue, then the Lessee shall have Fee; the Lessee enters in Religion, and then the Lessor dies without issue, and after the Lessee is deraigned; he shall not have Fee, inasmuch as at the time of the Condition the Fee cannot vest in him.

De son tort demesne.

DE son tort demesne seem to be certain words of law in an Action of Trespasse, used by way of Reply to the Plea of the Defendant: Thus A sues B in an Action of Trespasse, and B answers for himself, that he did this which A calls Trespasse by the commandment of C his Maister; A saith again, that B did this of his own wrong, without that that C commanded him in such manner and form, &c.

Debt.

DEbt is a debt, that lies where any summe of money is due to a man by reason of Account, Bargain, Contract, Obligation, or other Specialtie, to be paid at a certain day, which is not paid; then he shall have this debt. But if any money be due to any Lord by his Tenant for any Rent-service,

the Lord shall never have Action of Debt for that, but he must distrain for it. Also for Rent-charge or Rent-seck, which any man hath for life, in tail, or in fee: he shall not have any Action of Debt as long as the Rent continues; but his Executors may have an Action of Debt for the Arrearages due in the life of their Testator, by the Statute 32 H. 8. c. 37.

For Arrearages of Rent reserved upon a Lease for term of years, the Lessor is at his election to have an Action of Debt, or to distrain: but if the Lease be determined, then he shall not distrain after for that Rent, but he must have an Action of Debt for the Arrearages.

And note, That by the Law of the Realm Debt is only taken to arise upon some Contract or Penalty imposed upon some Statute or pain, and not by other Offences, as in the Civil Law, *Debitum ex delicto*.

If a man enter into a Tavern to drink, and when he hath drank, goes away, and will not pay the Wintner; the Wintner shall not have an Action of Trespass against him for his Entry, but shall have an Action of Debt for the Wine.

If I deliver Cloth to a Tailor to make a Gown, if the price be not agreed on in certain measure, how much I shall pay for the making; he shall not have against me a general Action of Debt, but a special one, and shall

le Sâr ne unques avera Action de Det p' ceo, mes il faut distreindre p' ceo. Auxy p' Rent-charge ou Rent-seck, quel home ad p' terme de son vie, en taile, ou en fee, il n'avera Action de Det cy longe come le Rent endure; mes les Executors poyent aver un Action de Det p' les Arrearages due e le vie leur Testator, p' le Statute 32 H. 8. c. 37.

Pur Arrearages de Rent reserve sur un Lease p' terme d'ans, le lessor est a son election d'aver Action de Det, ou pur distreindre: mes si le Lease soit determiné, daques il ne distreindra aps p' cel Rent, mes covient luy d'aver un Action de Det p' les Arrearages.

Et nota, Que p' le Ley del Realme Det est solemēt prise de surder sur asc' Contract ou Penaltie impose p' asc' Statute ou paine, & nemy p' autres offences, cōe en le Civil Ley; *Debitum ex delicto*.

Si home enter Taverne a boyer, & quant il ad boya, il de ala, & ne voet pay le Tavernier; le Tavernier n'avera Action de Trespass vers luy pur son Entry, mes avera Action de Det pur le Vine.

Si jeo deliver Drape a un Tailor a faire un Toge, si le price ne soit agreee on certain devant, come bien jeo payera pur le seafance; il n'avera vers moy un general Action de Det, mes un special Action

ū Debt, & countera specialmēt,
& il serra mis. al Jurie quant
il deserve.

Mes si ū Tailor fait ū Bill,
& il m rate le sealance & les
necessaries a ceo; il navera
Action d Det p ses values de-
mesn, si non q̄ sūt issint espe-
cialmēt agree; mes en tiel case
il poit detein le Garment tanq̄
il soit satisfait, cōe un Hostler
poit le Chival de son Guest p
son viands. *Cok. l. 8. 147.*

Auxi det gift pur fines de
Copyholds & pamerchiements
en Courts Leet, & Court Ba-
ron & sur agards & sur reco-
veries, en bafe Court ou Co-
verts de record.

declare specially, and it shall be
put to the Jury how much he
deserves.

But if a Tailor make a Bill,
and himself rates the making
and the necessities thereunto;
he shall not have an Action of
Debt for his own values, un-
less it was so specially agreed;
but in such case he may detain
the Garment until he be paid,
as an Hostler may his Guests
Horse for his meat. *Cok. l. 8. 147.*

Also Debt lyeth for fines of
Copyholds, and for amercia-
ments in Court Leet, and Court
Baron, and upon Wards, and
upon recoveries in bafe Courts,
or Courts of Record.

Detinue.

Detinue est un Bre q̄ gift
vers luy, q̄ ayant biens
& chattels deliver a luy de
gard, refusa de restorer eux
arere, Vide d̄ c F. N. B. 138.

Detinue.

Detinue is a Writ that lies
against him, who having
goods and chattels delivered to
him to keep, refuses to re-deliver
them. See hereof. F. N. B. 138.

*Devastaverunt bona Testa-
toris.*

Devastaverunt bona Testa-
toris est quat les Exe-
cutors voil' deliver Legacies,
ou faire restitution pur torts
faits p leur Testator, ou pay
ses Debts due sur Contract ou
Specialties, qux jours d̄ pay-
ment ne sūt uncor venus, &c. &
negard sufficiēt ē leur mains
p̄ discharḡ ceux Deis sur Re-

*Devastaverunt bona Testa-
toris.*

Devastaverunt bona Testatoris,
when the Executors
will deliver Legacies, or make
restitution for wrongs done by
their Testator, or pay his Debts
due upon Contracts or Specie-
alties, whose days of payment
are not yet come, &c. and keep
not sufficient in their hands to
discharge those Debts upon Re-
covery

cords or Specialties which they are compellable by the Law to satisfie in the first place; then they shall be constrained to pay these out of their own goods, according to the value of what they voluntarily delibered or paid: for such irregular and illegal Payments are accounted in the Law a Wasting of the goods of the Testator, as much as if they had given them away without cause, or sold them, and converted them to their own use.

And therefore if A be bound in a Recognisance, or in a Statute Merchant, or Staple, and after Recovery is had against him in an Action of Debt; and he makes his Executors, and dies; his Executors are bound by the Law to pay the Debt due upon the Recovery, although it be later in time, before the Debt due by Recognisance or Statute, because though both are Records, yet the Judgment in the Kings Court upon judicial and ordinary proceeding is more notorious and conspicuous, and of a more high and eminent degree, then a Statute or Recognisance taken in private, and by consent of parties, and is therefore preferred in judgment of the Law before Recognisance or Statute: and if the Executors do not satisfie this first, then if they have no goods of the dead in their hands, they shall pay it of their own. So the Ordinary having goods of one that dies insolvent in his hands by De-

cords ou Specialties q'ils sont compellable primerment per le Ley de satisfaire; donques ils seront contraindre de payer d leur biens demesne ceux duties, accordant al value d e q'ils deliveront ou pay sans compulsion: car tel irregular & illoyal Paym'ts sont account en le Ley u Vastant des biens del Testator, cy tant come si ils ad done eux sans cause, ou vend eux, & convert a leur proper use.

Et pur ceo si A soit lie en Recognisance, ou en Statute Merchant ou Staple, & puis Recoverie est ewe vers luy en Action de Det, & il fait ses Executors, & morust; ses Executors sont tenus per la Ley a payer le Det due sur le Recovery, comit q soit puisne, devant le Det due p Recognisance ou Statute, p ceo q comment q ambideux sont Records, uncore le Judgm e le Court le Roy sur judicial & ordinary proceeding est plus notorious & conspicuous, & de plus hault & eminent degree. q u Statute ou Recognisance prise en private, & p consent des parties, & p ceo pferre en jugem't del Ley devat Recognisance ou Statute: & si l'Executors ne ceo primerment satisfie, donq s'ils nont ds biens le mort e leur mains, ils responderont ceo de leur biens demesne. Issint l'Ordinarie ayant biens d un q mort intrest e ses mains p Se-

questration, & un Action de Det sur un Obligation al value des dits biens soit port vers luy come Ordinarie ; il ne disposera ou administrera ascun pcel de les dits biens a les auters Creditors a son plesure, mes est tenu a satisfaire le Det primes de que un Action ē attempt vers luy. *Dyer, fol. 232. placito. 5.*

Si un Viscount retourne *ex officio* sans Enquest q l'Executor ad degast biens, l'Execution issue envers les pp biens del Executor. Et si le return soit faux, donques l'Executor poit aver un Action sur le Case versus le Viscount pur son faux retourne, pur ceo q l'Executor ad nul jour a pleder. Mes si le Viscount retourne *devastavit* sur un Enquest p Jury, l'Executor poit appear & traverse *quod ipse non devastavit* & try ceo, 1 Cr. Mounson & Bourne, & Proctor versus Chamberlaine.

questration, and an Action of Debt upon an Obligation to the value of the said goods is brought against him as Ordinary ; he shall not dispose or administer any parcell of the said Goods to the other Creditors at his pleasure, but is bound to satisfy the Debt first for which an Action is brought against him. *Dyer, fol. 232. placit. 5.*

If a Sheriff retorne *ex officio* without inquest, that the Executor hath wasted goods, the Execution goes de bonis propriis of the Executor, and if the return be false, then the Executor may have an Action upon the Case against the Sheriff for his false return, because the Executor hath no day to plead. But if the Sheriff retorne a *devastavit* upon an Inquity by a Jury, the Executor may appear and traverse, *quod non devastavit*, and try it, 1 Cro. Mounson and Bourne, & Proctor versus Chamberlain.

Devenerunt.

DEvenerunt est un Bre direct al Escheator, quant ascun Tenants le Roy q tient en Capite morust, & quant son frs & heir, deins age, & en custodie le Roy, morust, donq cest Brief issira, comandant l'Escheator, que il per le serement de pbes & loyals homes enquire q Terres ou

Devenerunt.

DEvenerunt is a Writ directed to the Escheator, when any of the Kings Tenants holding in Capite dies, and when his son and heir, within age, and in the Kings custody, dies, then shall this Writ go forth, commanding the Escheator, that he by the oath of good and lawful men enquire what Lands

Lands of Tenements by the death of the Tenant come to the King, &c. See Dyer, f. 360. pla. 4. But see the Stat. 12 Car. 2. cap. 24.

Tenements p le mort le Tenant deveigne al Roy, &c. Veies Dyer. fol. 360. pla. 4. Mes veies le Stat. 12 Car. 2. cap. 24.

Devest.

Devest.

Dest is a word contrary to Invest; for as Invest signifies to deliver the possession of a thing, so Devest signifies the taking it away.

Dest est un pol contrary al Invest; car come Invest signifie a trader le possession d'un chose, lissent Devest signifie lauserance d'cco.

Devise.

Devise.

Devise is, where a man in his Testament gives or bequeaths his Goods or Lands to another after his decease. And where such Devise is made of Goods, if the Executors will not deliver them to the Devisee he hath no remedy by the Common Law, but it behoves him to have a Citation against the Executors of the Testator, to appear before the Ordinary, to shew why he performs not the Will of the Testator: for the Devisee may not take the Legacy and serve himself, but it must be delivered to him by the Executors. See the Stat. 32 H. 8. ca. 1. & 34 H. 8. ca. 5. & 29 Car. 2. ca. 3. By which last Statute the Law of Testaments is altered.

Devise est, lou un en son Testament done ou grant ses Biens ou ses Terres a un aut' apres son decease. Et lou tiel Devise est fait des Biens, si les Executors ne voylent deliver eux a le Devisee, il nad remedie p le Common Ley; mes il covient de aver un Citation vers les Executors le Testator, de appearer devant le Ordinary, de monstrier p que il ne pforme le Volunt le Testator: car le Devisee ne poit prendre le Legacie & luy m server, mes il doit est deliver a luy per les Executors. Vide Stat. 32 H. 8. cap. 1. & 34 H. 8. 5. & 29 Car. 2. cap. 3. p quel darreine Stat. le ley des testaments est alter.

Mes p le Common Ley, si home fuit sole seisie d Terres en fee, & devisa eux p son Testamēt; cest Devise. fuit voyde; si non les Terres fueront en un Cite ou Borough lou Terres son devisable per Custome. Mes si asc' home fuilloit enseoffe al use d un aur' & ses heirs, & cestuy a q use il fuit issint seisie seioit Devise d ses Terres; cest Devise fuit bon, comit que il ne fuit en Ville lou Terres sont devisable.

Aux' si asc' home devise Terres en Cite, Ville, ou Borough, devisable, & le Devisor devie; si son Heire ou asc' aur' abate en les Terres, donqs le Devisee avera Bre de *Ex gravi querela*. Mes c-st Bre ne ferra jamīs plede devant le Justice le Roy, mes tous foits devant le Maior ou Bailife en le dit Ville.

Et ore, al fine de monstre qnt les Leys de cest Royalm, & les discreet Judges de ceo, queux sont les Interpreters, ont favour Volunts & Testaments, & issint Devises, en yeelding al eux tiel reasonable construction come ils pensent poit bien agree ove les mentes de les morts, considerantes que Volunts & Testaments sont p le plus part, & per common intendment, fait quant le Testator est ore en grand languor, feeble, & passa tout sperans de recoverie: car il est un opi-

But by the Common Law if a man be sole seised of Lands in fee, and devises them by Testament; this Devise was void, unless the Lands were in City or Borough where Lands are devisable by Custome. But if any man were infeoffed to the use of another and his heirs, and he to whose use he was so seised did make Devise of his Lands; this Devise was good, though it were not in a Town where Lands are devisable.

Also if any man devise Lands in City, Town, or Borough, devisable, and the Devisor dies; if his Heir or any other abate in the Lands, then the Devisee shall have a Writ of *Ex gravi querela*. But this Writ shall never be pleaded before the Kings Justice, but always before the Mayor or Bailiffs in the same Town.

And here, to the end to shew how much the Laws of this Realm, and the discreet Judges of the same, who are the Interpreters of it, do favour Wills and Testaments, and Devises, in yeilding to them such a reasonable construction as they think might best agree with the minds of the dead, considering that Wills and Testaments are so: the most part, and by common intendment, made when the Testator is very sick, weak, and past all hope of recovery: so: it is a received opinion in the Coun=

Countrey amongst most, that if a man should chance to be so wise as to make his Will in his good health, when he is strong, of good memory, and hath time and leisure to ask counsell (if any doubt were) of the Learned, that then he should not live long after; and therefore they deferre it to such time when it were more convenient to apply themselves to the dispositions of their Souls, than of their Lands or Goods, except it were that by the fresh memory and recital of them at that time, it might be a cause to put them in mind of some of their goods or lands falsly gotten, and so move them to restitution, &c. And at that time the penning of such Wills is commonly committed to the Minister of the Parish, or to some other more ignorant, who knows not what words are necessary to make an Estate in Fee-simple, Fee-tail, for term of life, or such like, besides many other mischiefs: I will therefore here set down some of those Cases that are most common in ignorant mens mouths, and carry, by the wise interpretations of the Judges, a larger and more favourable sense in Wills, than in Deeds.

First therefore, if one devise to J. S. by his Will all his Lands and Tenements; here not only all those Lands that

nion en le Pays Inter le greinder nombre, que si un home perchance soit cy prudent com de faire son Volunt en son bon sanitie, quant il est strong, d bon memorie, & ad temps & opportunite demand counsel (si asc doute soit) de l' Learned, q donqs il ne doit vivre long apres; & p c' ils e deferre tanq tel temps quant ceo soit plus covenier de applier eux mesmes a le disposition de leur Ames, q de leur Trs & Biens, si non q il soit q d fresh memorie & recital p eux a cest temps, il poit un estre cause de mitt' eux en mt de asc d leur biens ou r'es fauxemt purehase, & issint move eux a restitution, &c. Et a cest teps l' escriptur d tiels Volunts est comunemt comit al Minister del Paroch, ou al ascun auter plus ignorant, que ne scavoit queux pils sont necessarie p faire un Estate en Fee-simple, Fee-taile, p t'me de vie, ou tiels seblables, preter divers auters mischiefs: Jeo voile pur ceo mis cy ascus d ceux Cases queux sont pluis comon e les bouches de les Ignorat hoes, & portant, p le scavient interpretations de les Judges, un large & pluis favorable sense en Volunts, que en Faits.

Et pur ceo primermt, si un devise al J. S. p son Volunt tous ses Terres & Tenemts; icy non solemet tous ceux

Terres que il ad en possessiō passōr, mes auxy tous ceux q̄ il ad en Reversion, p̄ vertue de ceux parols, Tenements.

Et si Terres sont devise a un hōe a aver a luy imppetuum, ou aver a luy & ses Assignes; en ceux deux cases le Devisee avera Fee-simple. Mes si soit done p̄ Feoffment en tiel mañer, il nad forsque Estate pur terme de vie.

Auxy si un home devise ses Tr̄s al aut, pur doner, vender, ou faire de ceo a son volunt & pleasure; c' est Fee-simple.

Un devise fait alun & a ses Heirs males fait un Estate taile: Mes si tiels parols sōt mis en un Fait del Feoffmēt, il serra prise p̄ Fee-simple, pur ceo que il nappiert de que corps les Heires males serra engender.

Si Terres sont done p̄ Fait al J. S. & a les Heires males de son corps, &c. que ad issue file, que ad issue fits, & mortu; la le Terre revertera al Donour, & le fits de file naverra ceo, pur ceo que il ne poit a luy mesme conveyer p̄ Heires males, car la mere est un obstacle a ceo: Mes autrement est de tiel Devise, car la le fitz del file ceo avera, plustōt que le Volunt serra void.

Si un devise al Enfant en ventre matris sue, cest bone Devise; mes autrement p̄ Feoffmēt, Graunt, ou Done; car en ceux cases il doit estre un

he hath in possession do pass, but all those that he hath in Reversion, by virtue of those words, Tenements.

And if Lands be devised to a man to have to him for ever, or to have to him and his Assigns; in these two cases the Devisee shall have a Fee-simple. But if it be given by Feoffment in such manner, he hath but an Estate for term of life.

And if a man devise his Land to another, to give, sell, or do therewith at his pleasure or will; this is Fee-simple.

A Devise made to one and to his Heirs males both make an Estate-tail: But if such words be put in a Deed of Feoffment, it shall be taken for Fee-simple, because it doth not appear of what body the Heirs males shall be begotten.

If Lands be given by Deed to J. S. and to the Heirs males of his body, &c. who hath issue a daughter, who hath issue a son, and dies; there the Land shall return to the Donor, and the son of the Daughter shall not have it, because he cannot convey himself by Heirs males, for his mother is a let thereto: But otherwise it is of such a Devise, for there the son of the daughter shall have it, rather than the Will shall be void.

If one devise to an Infant in his mothers belly, it is a good Devise; but otherwise by Feoffment, Grant, or Gift; for in those cases there ought to be

be one of ability to take present-ly, or otherwise it is void. See 14 El. Dy. 304.

A Devise made in Fee-simple without expresse words of Heirs, is good in Fee-simple.

But if a Devise be made to J. N. he shall have the Land but for term of life; for those words will carry no greater Estate.

If one will that his son J. shall have his Land after the death of his wife; here the wife of the Devisor shall have the Land first for term of life. So likewise if a man devise his goods to his wife, and that after the decease of his wife, his son and heir shall have the House where the goods are; there the son shall not have the House during the life of the wife: For it both appear that his intent was, that his wife should have the House also for her life, notwithstanding it were not devised to her by expresse words.

If a Devise be to J. N. and to the Heirs females of his body begotten, after the Devisee hath issue a son and daughter, and dies; here the daughter shall have the Land, and not the son, and yet he is the most worthy person, and Heir to his father: but because the Will of the dead is, that the daughter should have it, Law and Conscience will so also.

del habilite p prendre main-tenant, autrement il est void. Veis 14 El. Dy. 304.

Un Devise fait en Fee-simple sans expresse parols del Heires, est bone en Fee-simple.

Mes si ū Devise soit al J. N. il avera les Terres forsq; pur terme d vie; car ceux parols ne voient porter greinder Estate.

Si un voile que son fits J. avera son Terre puis le mort sa feme; icy le feme le Devisor avera le Terre primes pur terme de sa vie. Issint si home devise ses biens a sa feme, & que apres le de-cease de son feme, son fits & heire avera le Meason ou les biens sont; la le fits navera le Meason durant le vie de le feme: Car il appiert que son intent fust, que sa feme doit aver le Meason auxy pur sa vie, nient obstant il ne fuit devise a luy p expresse parols.

Si un Devise soit al J. N. & a les Heires females de son corps engendres, apres le Devisee ad issue fits & file, & morust; icy le file avera le Terre, & nemy le fits, & un-core il est pluis digne person, & Heire al son pere: mes pur ceo que Volunt del mort est, que le file doit ceo aver, Ley & Conscience voet issint auxy.

Et en cest point les Heathens fuerōt p̄cise, cōe applert p̄ ceux Verses d' *Octavius Augustus*, q̄ *Donatus* report il fesoit apres q̄ *Virgil* a son mort donoit comandement que ses Livres doint estre combure, p̄ ceo q̄ ils fueront imperfect, & uncof ascūs psuadont que ils doient estre save, cōe en fait ils happimēt fueront; a que il respōd issint;

*Sed Legum servanda Fides;
suprema Voluntas.*

*Quod mandat, fierique jubet,
parere necesse est.*

Devoire.

Devoire est tāt adire cōe Durie. Ceo est use en le Statute de 2 R. 2. cap. 3. ou est purview, Que tous Merchants del West, esleant del amitle le Roy, payera tous maners des Customs & Subsidies, & auters Devoires de *Caleis*. Veles le Stat. 5 *ejusd. Regis cap. 2.*

Devorce.

Devorce, *Divortium*, dict' est a *Diversitate mentium*, quia in *diversas partes eunt qui distrabunt Matrimonium*; ou autermt del verbe *Diverto*, q̄ signifie de retourner arere, pur ceo q̄ puis le Devorce parent' le baron & feme, il luy retourne arere a sa pere, ou au-

And herein the very Heathens were precise, as appears by those Verses of *Octavius Augustus*, which *Donatus* reports he made after *Virgil* at his death gave commandment that his Books should be burnt, because they were imperfect, and yet some perswaded that they should be saved; as indeed they happily were; to whom he answered thus:

Let Faith and Law be kept;
and what last Will
Commandeth to be done,
we must fulfill.

Devoire.

Devoire is as much as to say a Duty. It is used in the Statute of 2 R. 2. ca. 3. where it is provided: That all the Western Merchants, being of the Kings amity, shall pay all manner Customs and Subsidies, and other Devoires of *Caleis*. See the Stat. 5 *Ejusd. Regis cap. 2.*

Devorce.

Devorce or Divorce, *Divortium*, dictum est *Diversitate mentium*, quia in *diversas partes eunt qui distrabunt Matrimonium* or else from the verb *Diverto*, which signifies to return back, because after the Devorce between the husband and wife, he returns her again to her father,

ther, or other friends, or to the place from whence he had her.

And though Devorce was never approb'd of by the Divine Law, but contrariwise prohibited, as appears by this precept, Let no man separate that which God hath joyned together; yet in all ages and well-governed Common-wealths it hath been used and permitted: As at this day with us there are divers causes for which the husband and wife may be devorced, as first *causa Pracontractus*.

Therefore if a man marry with a woman precontracted, and hath issue by her, this issue in Law and in truth bears the surname of his father: but if after the husband and wife be devorced for the Precontract, there the issue hath lost his surname, and is become a Bastard, and *nullus filius*. Cok. lib. 6. fol. 66.

Devorce may be *causa Frigiditatis*: and therefore if a man be married to a woman, and after they are devorced *causa Frigiditatis*, and then the man takes another wife, and hath issue by her; yet this issue is lawfull, because that a man may be *habilis & inhabilis diversis temporibus*, and by the Devorce *causa Frigiditatis* the Marriage was dissolved a *vinculo Matrimonii*, and by consequence either of them might marry again. Cok. lib. 5. fol. 98. b.

ter amies, ou al lieu de que il luy prist.

Et cōmēt q̄ Devorce ne unq̄s suit approve p̄ le Divine Ley, mes al contrarie prohibe, cōe appiert p̄ cest mandāt, *Quod Deus conjunxit homo non separet*; uncof ē touts ages & bien dispose Cōmonweales il ad este use & p̄mit: Et issint a cest jour ove nous la sont divers causes pur q̄ux baron & feme poient estre devorce, come primerment *causa Pracontractus*.

Pur ceo si home marrie ove feme *precontract*, & ad issue p̄ luy, cest issue en Ley & en veritie port le surnōm de sō pere: mes si puis le baron & fem̄ sont devorce pur le Precontract, ore le issue ad p̄de son surnōm, & est devenu Bastard, & *nullus filius*. Cok. lib. 6. fol. 66.

Devorce poit estre *causa frigiditatis*: & pur ceo si hōe soit espouse a un fem̄, & puis ils sont devorce *causa Frigiditatis*, & donq; le home prist auter feme, & ad issue per luy; uncore cest issue est legitmate, pur ceo q̄ hōe poit estre *habilis & inhabilis diversis temporibus*, & p̄ le Devorce *causa Frigiditatis* le Marriage sult dissolve a *vinculo Matrimonii*, & p̄ consequence chescun de eux poit marrie arere. Co. l. 3. f. 98. b.

Auxy hōe poit estre devorce
causa Impubertatis, ou *Minors
 etatis* : & en ceo case si
 deux sont espouse *infra annos
 nobiles*, & apres le pleine age
 Devorce soit prise inter eux;
 ceo dissolve l'Espousals, & le
 sem poit luer ū Affise vers le
 baron pur Terres ou Tenemens
 don ove luy en Frank-marriage,
 19 lib. Affis Pla. 2. Issint
 Devorce poit estre *causa Pro-
 fessionis*, *causa Consanguinita-
 tis*, *causa Fornicationis*, & pur
 plusors aut's mestres, pluis
 tedious desli jamis recite.

Covient q̄ en le sentence
 de Devorce le Cause de ceo
 soit monstre, pur ceo que
 ascun Devorce dissolve le Ma-
 trimonie, cest adire, a *vin-
 culo Matrimonii*, bastard le
 issue, & barre le feme de
 Dower; & ascun a *mensa &
 thoro*, le quel ne dissolve le
 Matrimonie, ne barre le
 feme de Dower, ne bastard
 le issue.

Devorce est Judgment spi-
 ritual, & pur ceo, sil soit
 cause, covient estre reverse
 en le Spiritual Court. Veies
Cok. lib. 7. Kenne's Case.

Si feme Copiholder de
 certeine Terre, *durante vidui-
 tate sua*, solonque le Custome
 del Manor, emblea le Terre,
 & devant le severance des
 Emblements prist baron; ore
 le Seignior avera l' Emble-
 ments, & nemy le baron: Mes
 si Lease soit fait al baron &
 feme durant le Coverture, &

Also a man may be devorced
causa Impubertatis, or *Minoris eta-
 tis*: and in this case if two are
 married *infra annos nobiles*, and
 after full age Devorce is had
 between them; this dissolves
 the Marriage, and the woman
 may arraign an Affise against
 the Husband for the Lands or
 Tenemen's giben with her in
 Frank-marriage, 19 lib. Affise,
 Pla. 2. So Devorce may be had
causa Professionis, *causa consan-
 guinitatis*, *causa Fornicationis*, and
 for many other causes, too long
 to be now recited.

It is requisite that in the
 sentence of Devorce the Cause
 thereof be shewed, because some
 Devorce dissolves the Matri-
 mony, that is to say, a *vinculo
 Matrimonii*, bastards the issue,
 and bars the wife of Dower;
 and some a *mensa & thoro*, the
 which dissolves not the Ma-
 trimony, nor bars the Wo-
 man of Dower, nor bastards
 the issue.

Devorce is a Judgement spi-
 ritual, and therefore, if there be
 cause, ought to be reversed in
 the Spiritual Court. See *Cok.
 lib. 7. Kennes Case.*

If a Woman Coptholder of
 certain Land, *durante viduitate
 sua*, according to the Custome
 of the Manor, sows the Land,
 and before the severance of the
 Corn takes a husband; the
 Lord shall have the Emble-
 ments, and not the husband:
 But if a Lease be made to the
 husband and wife during the
 Cover-

Coberture, and the husband
sows the Land, and afterward
they are divorced *causa Præcon-*
tractus; the husband shall have
the Emblements, and not the
Lessor.

le baron emblea le Terre,
& puis ils sont divorce
causa Præcontractus; le
baron avera les Emble-
ments, & nemy le Les-
sor.

Dicker.

Dicker.

Dicker is a word used in the
Statute of 1 Jacobi, cap. 22.
and it signifies the quantity of
Ten Hides of Leather. And
it seems to come from the Greek
word Decas, which signifies
Ten.

Dicker est un parol use en
l' Statute 1 Jacobi cap.
22. & signifie le quantite des
Dize Hides de Cuir. Et
semble de venir del Greeke
parol Decas, que signifie
Dize.

Diem clausit extremum.

Diem clausit extremum.

Diem clausit extremum is a
Writ that lies where the
Kings Tenant that hold in
Chief dies; then this Writ
shall be directed to the Eschea-
tor, to enquire of what Estate
he was seised, who is next Heir,
and his age, and of the certainty
and value of the Land, and of
whom it is holden; and
the Inquisition shall be re-
turned into the Chancery,
which is commonly called The
Office after the death of that perſon.

And there is another Writ of
Diem clausit extremum awarded
out of the Exchequer, after
the death of an Accountant or
Debtor of his Majestie, to
levy the Debt of his Heir, Ex-
ecutor, Administrators lands
or goods.

Diem clausit extremum est
un Brief que gist lou le
Tenant le Roy que tient en
Chief morust; donque cest
Brief serf direct al Escheator,
d'enquiere de quel Estate il
fuit seisie, que est prochain
Heire, & de quel age, & de
la certaintie & value del
Terre, & de que c'est tenu; &
cel Inquisitiō serra retourne
en le Chancerie, & est com-
munement appel Le Office
apres le mort del tiel person.

Et est autre Brief de Diem
clausit extremum agard hors
del Exchequer, apres mort
del un Accomprant ou
Dettor al Roy, a levier le
Dett de son Heire, Exe-
cutor, Administrators terres
ou biens.

Die

Dies datus.

D*ies datus* est un Respite done al Tenant ou Defendant devant le Court. *Brook Tit. Continuance.*

Dietus datus.

D*ies datus* is a Respite given to the Tenant or Defendant before the Court. *Brook Tit. Continuance.*

Dieta rationabilis.

D*ieta rationabilis* est ascun foits use pur le Reasonable Journey d'un jour, cōe *Bra. l. 3. part. 2. c. 16.* Il ad ē le Civile Ley auters interpretations, q̄ ne besoigne destre cy insert, Veiez *Vocab. utriusque Juris.*

Dieta rationabilis.

D*ieta rationabilis* is sometimes used for a Reasonable Days journey, as *Bract. l. 3. part. 2. cap. 16.* It hath in the Civit Law other significations, which need not be here mentioned. *See Vocabul. utriusque Juris.*

Dieu son aē.

D*ieu de son aē*, ceux sont parols plusors foits use ē nostre Ley, & la est ū *Maxim*, Que le Act de Dieu serra prejudice a nulluy: Et pur ceo si Meason eschiust per Tempest, ou auter Act de Dieu, le Lessee p̄ vie ou pur ans non solefint serra quit en Action de Waste port vers luy, mes ad p̄ le Ley ū special interest a p̄nder l' *merisim* p̄ edifier l' Meason aref, sil voit, p̄ son habitac^o. *Co. li. 4. 63. & lib. 11. 82. a.*

En mesm le manner, quant le Condition d'un Obligation esloia sur deux parts ē le disjunctive, & ambideux sont possible al temps del Obliga-

Dieu son aē.

D*ieu son aē*, these are twoido sometimes used in our Law, and it is a *Maxime*, That the Act of God shall prejudice no man: And therefore if a House fall down by Tempest, or other Act of God the lessee for life or years shall not only be quit in an Action of Waste brought against him, but hath by the Law a special interest to take timber to build the House again, if he will, for his habitation. *Cok. lib. 4. 63. & lib. 11. 82. a.*

In like manner, when the Condition of an Obligation consists of two parts in the disjunctive, and both are possible at the time of the Obligation made,

made, and afterwards one of them becomes impossible by the Act of God; the Obligor is not bound to perform the other part, for the Condition shall be taken beneficially for him. *Coke lib. 5. 22.*

tion fait, & puis l'un de eux deueigne impossible per le Act de Dieu; le Obligor n'est tenu a pformer l'auter part, car le condition serra prise beneficialment par luy. *Cok. lib. 5. 22.*

Dignitie Ecclesiastical.

Dignitie Ecclesiastical is a phrase of speech used in the Statute of 26 Hen. 8. cap. 3. and by the Canonists is defined to be Administration conjoyned with power and Jurisdiction.

Dignitie Ecclesiastical.

Dignitie Ecclesiastical est un phrase de parlance use en l' Stat. de 26 H. 8. c. 3. & per les Canonists est define deslx *Administratio cum Jurisdictione & potestate aliqua conjuncta.*

Diminution.

I When the Plaintiff or Defendant in a writ of Error alleges to the Court, that part of the Record remains in the Inferiour Court not certified, and prays that it be certified by *Certiorari*, Co. Ent. 232. 242. 1 Cr. John versus Thomas, 2 Cr. 479. 131. *Rolls Abridg.* 765. 20.

Diminution.

EST quant le Plaintiff ou Defendant en un breif d' Error alleges al Court q' part del Record remaine en l' Inferiour Court nient certifie, & prie q' ceo serra certifie p *Cerciorari*, Co. Ent. 232, 242. 1 Cr. John versus Thomas 2 Cr. 479, 131. *Rolls Abridg.* 765, 20.

Diocesse.

Diocesse is the Circuit of the Jurisdiction of every Bishop: for this Realm hath two kinds of Divisions; the one in Shires or Counties, in respect of the Temporal politie; the o-

Diocesse.

Diocesse est le Circuit del Jurisdiction de chescun Eveque: car est Royallme ad deux sorts de Divisions, l' un en Shires ou Countees, en respect del Temporal poliey; l'aut-

*l'aut' en Diocesses, en respect
del Jurisdictho Ecclesiastical.*

*ther in Diocesses, in respect of
the Ecclesiastical Jurisdiction.*

Disabilitie.

Disability.

Disabilitie est, quāt hōe per
asc' chose ou aēt p luy m
ou son ancestor fait ou cōmit,
ou p asc' aut' cause, est *disable*
ou fait Incapable a fair, de
Inheriter, ou de prendre be-
nefit ou advantage d' ū chose,
que autrement il puit aver dōe
ou fait.

La sont plusors choses per
queux hōe poit estre disable;
& ceux sont communemēt ou
p le aēt del Partie, ou son An-
cestor, ou p l'aēt del Ley, ou
de Dieu.

*Disabilitie per aēt del An-
cestor*; cōe si home sōlt at-
taint de Treason ou Felonie
p cest Attainder son sangue est
corrupt, & p ceo luy mesme
& ses issues disable d' inherit'

*Disabilitie per le aēt del
Partie mesme*; come si ū home
fait Feoffment al aut' home q
adonque est sole; sur condi-
tion, q il enseoffeē un tierce
home devant M. & devāt M.
ou le Feoffmēt fait, le Feoffee
prist seme; il ad per ceo luy
disable de performer le Con-
dition accordant al trust en
luy repose, & p ceo le Feoffor
poit enter, & luy ousta, come
est *Lit. sect. 357.* Item si le
Feoffee charge le Terre, ou
enter en Statute-Staple ou
Statute-Merchant; p ceux

Disabilitie is, when a man by
any act or thing, by him-
self or his ancestor done or com-
mitted, or for or by any other
cause, is disabled or made in-
capable to do, inherit; or take
benefit or advantage of a thing,
which otherwise he might have
had or done.

There are many things by
which a man may be disabled;
and those are ordinarily either
by the act of the party, or his
Ancestor, or by the act of the
Law, or of God.

Disability by the Act of the An-
cestor; as if a man be attainted of
Treason or Felony, by this
Attainder his blood is corrupt,
and thereby himself and his
children disabled to inherit.

Disability by the Act of the party
himself; as if a man makes a
Feoffment to another man that
then is sole, upon condition, that
he shall infeoff a third man be-
fore M. and before M. or the
Feoffment made, the Feoffee
takes a wife; he hath by that
disabled himself to perform the
Condition according to the trust
in him reposed, and therefore the
Feoffor may enter and oust him,
as it is *Litl. sect. 357.* So if the
Feoffee charges the Land, or
enters into a Statute-Staple
or Statute-Merchant; by these
acts

acts he hath disabled himself, and therefore the Feoffor may enter as in the former case. So if I bind my self, that upon Surrender of a Lease I will grant a new Estate to the Lessee, and afterwards I grant over my Reversion: in this case, though I afterwards repurchase, and get the whole Reversion to me again, yet I have forfeited my Obligation, because I was once disabled to perform it. Co. l. 3. f. 21. Also if a man be excommunicated, he cannot during that time sue any Action, but shall be thereby disabled, Coke, l. 8. f. 69. and so in many other cases.

Disability by act of Law is, most properly, when a man by the sole act of the Law, without any former thing by him done, is disabled; and so is Alien born. And therefore, if a man born out of the ligeance of our Lord the King will sue any Action, the Tenant or Defendant may say, that he was born in such a Country forth of the Kings ligeance, and demand judgment if he shall be answered; for the Law is our Birthright, to which an Alien is collateral and a stranger, and therefore disabled to take any benefit thereby.

By the act of God; as not to be of whole memory is a Disability in some cases, and in others not, for which it seems this difference may be taken: that in all cases where a man of no

acts il ad luy mesme disable, & le Feoffor p ceo poit enter, come en le prīm case. Issint si jeo moy oblige, q̄ sur Surrender d un Lease jeo voille faire un novel Estate al Lessee, & puis jeo granta ouster mon Reversion; en ceo case, com̄t quē jeo en apres ceo repurchase, & acquire tout le Reversion a moy arere, uncore jeo aye forfeit mon Obligar, p̄ c' q̄ jeo suy un solts disable de ceo pforme, Co. l. 3. f. 21. Aux' si hōe soit excommenge, il ne poit durant ceo temps suer asc' Action, mes serra per ceo disable, Co. l. 8. f. 69. & issint en plusors auters cases.

Disabilitas per act del Ley est, puis pperimr, quant hōe per le sole act d. l Ley, sans ascun original ou prīm chose per luy fait, est disable; & issint est Alien nec. Et pur ceo, si home nec hors de la liegeance de nostre Seignior le Roy voille suer asc' Action, le Tenant ou Defendant poit dire, q̄ il suit nec en tiel Pays hors de la liegeance le Roy, & demand judgment sil serra respondue; car le Ley est nre Birthright, a q̄ un Alien est collateral & estrang', & p ceo disable pur prender ascū benefit p ceo.

Per le Act de Dieu; com̄t destre Non compos mentis est un Disabilitas ē asc' cases, & en asc' nemy; p̄ q̄ semble que cest difference poit estī prile: que en tours cases un home

non compos mentis done ou
 passe asc' chose ou Estate hors
 de luy, ceo poit apres son
 mort estre anient & fait void ;
 mes ou home *non sanz memo-*
ria fait un chose p que riens
 passe hors de luy, la il poit en
 ascuns especial cases estre lie :
 cōe si il soit Lessee p ans, ren-
 dāc Rentr, & le Lessor grāra le
 Reversion; ore le Lessee *non com-*
pos mentis ne poit faire Attor-
 nement, car cestuy q est *amens*,
 ou sans ment, ne poit faire
 Attornement, que est Agree-
 ment; & uncore en tiel case si le
 Lessor ejecte luy, & fait Feoff-
 ment, & puis le Lessee *non*
sanz memoria re-entret. cest
 ad de Re-entrie subject luy
 mesme al Distresse & Action
 de Waste.

Et il estū Maximū ē la Ley,
 Que hōe d plein age ne unq
 terra receve a disabler son
 pson demesne. Et cest incapa-
 cite a disabler luy mesme,
 quant al ascun pson est p'o-
 nal, & extend solemt al prie
 mesme; & quant al aut's nest
 psonal, mes liera eux auxy.

Sont quater maner de pri-
 vities; scil. Privies en Sank,
 cōe Heir; Privies en Repre-
 sentation, come Executors ou
 Administrators; Privies ē Es-
 tate, come Donec en tail, le
 Reversion ou Remainder en
 fee, &c. & Privies ē Tenure,
 cōe Sūr & Tenant; & deux
 de ceux poient disabler le p-
 son del mort, que ne fuit *com-*
pos mentis, ou &c. & avoide-

whole memory gives or passes
 any thing or Estate out of him,
 this after his death may be dis-
 annulled and avoided; but where
 a man *Non sanz memoria* doth
 a thing whereby nothing passes
 out of him, there he may in some
 special cases be bound: as if he
 be Lessee for years, rendering
 Rent, and the Lessor grants the
 Reversion; there the Lessee *non*
sanz memoria cannot make At-
 tornment, for he that is *amens*,
 or without mind, cannot make
 Attornment, which is Agree-
 ment; and yet in such case if the
 Lessor ejects him, and makes a
 Feoffment, and afterwards the
 Lessee *non sanz memoria* re-en-
 ters, this act of Re-entry doth
 subject him to the Distress and
 Action of Waste.

And it is a Maxim in
 Law, That a man of full age shall
 never be received to disable his
 own person. And this incapacity
 to disable himself, as to some
 persons is personal, and extends
 only to the party himself; and
 as to others it is not personal,
 but shall bind them also.

There are four manner of
 Privities: scil. Privies in
 Blood, as Heir; Privies in
 Representation, as Executors
 or Administrators, Privies in
 Estate, as Donec in tail, the
 Reversion or Remainder in
 fee, &c. And Privies in Te-
 nure, as the Lord and Tenant;
 and two of these may disable the
 person of the dead, which was
non sanz memoria; or, &c. and
 shall

shall a void his Grants or Feoffments, and two of them not. For Privies in Blood may have the Disability of the Ancestor, and Privies in Representation the Infirmitie of their Testator or Intestate; but neither Privy in Estate, nor Privy in Tenure can so do. Co. l. 4. f. 123, 124. See Lit. sect. 403. & Co. l. 8. fol. 43.

ra ses Grâs ou Feoffmets, & deux nemy. Car Privies en Sanke poient monstre le Disabilitye del Ancestor, & Privies en Representation l' Infirmitie de leur Testator ou Intestate; mes neque Privie en Estate neque Privie en Tenure ceo ferra. Coke, l. 3. f. 123, 124. Veies Lit. sect. 403. & Coke, l. 8. f. 43.

Disalt.

Disalt signifies as much as to Disable. Litleton cap. Discontinuance.

Disalt.

Disalt signifie auxy multe cōe Disable. Litleton cap. Discontinuance.

Disceit.

Disceit is a Writ, sometime Original, and sometime Judicial. When it is Original, it lies where any Disceit is done to a man by another, by not performance of a Bargain or Promise, then he that is in such manner deceived shall have this Writ.

When it is Judicial, it lies where a Scire facias is sued out of any Record against a man, and the Sherifff returns that he is warned, where he was not; or where a Praecipe quod reddat, of a Plea of Lands, or a Quare Impedit, of the Presenting to a Church, is sued against one, and the Sherifff returns that the Defendant is summoned, where he was not; by which

Disceit.

Disceit est un Breif, ascun foirs Original, & ascun foirs Judicial. Quant il est Original, gist lou asc' Disceit est fait a asc' home p un aut' p non pformance dun Bargain ou Promise, donqs celuy q est & tiel man disceive avera cest Brief.

Quant il est Judicial, il gist ou Scire facias est sue hors d'ascun Record vers un, & le Viscount retourne que il est garnie, ou il ne suit garnie; ou lou un Praecipe Quod reddat, de Plee de Tres, ou Quare Impedit, del Presentment al Esglise, est sue vers un, & le Viscount retourne que le Defendant est summon, lou il ne suit; p quel

quel *Disceit* & faux Returne le Demandant ou Plaintiff recover : donques le partie greewe avera cest Brief vers luy que recovers, & vers les Summoners & vers le Viscount : & le Brief sera direct al Coroners de mesme le Countie, si il continue Viscount que fist le Returne.

Issint si home fait Attorney en un Action reall port vers luy, & puis est agreee p Covin perenter le Demandant & le dit Attorney, que l' Attorney fayera Default, que issint fait accordant, per q le Tenant perde son Tfe ; donque mesme le Tenant que perda le Terre poit aver un *Brief de Disceit* envers l' Attorney.

Auxy si home port Action d Trespass vers deux autres, & le Plaintiff & un Attorney p Covin causant deux Esirangers, nient parties al Bre, a venir en le Court, & dire q ils sont mesm les deux Defendants nisme en le Brief, & q ils designe mesme le hōe desir leur Attorney & cel Suir, sur q mesme l' Attorney, cōe Attorney al Defendants nism en le Tfe, pledont al Issue, & puis suffront l' Enquest a passer p son Default, per quel means le Plaintiff recover : En cest case ceux q sont voyermt Defendants poyēt aver ū Bre d *Disceit* envers mesm le Attorney, & recuperont

Disceit and false Return the Demandant or Plaintiff recover : then the party grieved shall have this Writ against him that recovered, and against the Summoners, and against the Sheriff ; and the Writ shall be directed to the Coroners of the same County, if he continue Sheriff that made the Return.

So if a man makes an Attorney in an Action real brought against him, and afterwards it is agreed by *Disceit* between the Demandant and the said Attorney, that the said Attorney shall make Default, who doth so accordingly, whereby the Tenant loses his Land ; then the same Tenant that loses the Land may have a Writ of *Disceit* against the Attorney.

Also if a man brings an action of Trespass against two others, and the Plaintiff and an Attorney by *Disceit*, cause two Strangers, not parties to the Writ, to come into Court, and say that they are the same two Defendants named in the Writ ; and that they appoint the same man to be their Attorney in that Suit, whereupon the same Attorney, as Attorney to the Defendants named in the Writ, pleads to the Issue, and after suffers the Enquest to pass by his Default, by which means the Plaintiff recovers : In this case those that are indeed Defendants may have a Writ of *Disceit* against the same Attorney, and

and shall recover their damages. *Fitzh. Nat. Brev. 96.*

And as the Law punishes her Officers, as Serjeants, Pleaders, Philiziers, Exigenters, Attornies, and others, so she renounces and condemns all acts of greatest importance, if they be intermixt with Disceit and falsehood. As if a Fine be levied by Disceit, and five years past; by the Statute of 4 H. 7. c. 24. all persons and their rights shall be barred thereby: yet for that it was by Disceit, the Fine shall be avoided, as is adjudged in *Cok. lib. 3. fol. 77.* In the same manner, if one recover Land by Disceit, the Recovery for this shall be frustrated and made void, 3 Ed. 3. 28. So if a woman, that hath good cause to be endowed, will by Disceit have the Tenant to be disseised, and after recovers her Dower by a Writ of Dower against the Disseisor; yet she shall be adjudged in possession against the Disseisee but as a Disseisorelle, in respect of the Disceit. *Cok. lib. 5. fol. 35.*

There is another manner of Writ of Disceit, where Land which is ancient demesne is impleaded by the Kings Writ at Westminster: Then the Lord of the Mannor may have this Writ, and reverse all the former proceedings, and Judgment, as it appears *Rast. Ent. 100, 221. 2 R. 3. 1. & 11 H. 4. 36.*

lour, damages. *Fitzh. Nat. Brev. 96.*

Et sicome le Ley punie son Officers, cōe Serjeants, Pleadors, Philisiers, Exigentiers, Attornies, & aut's; l'istint il resect & dampne tous acts del plus grād importance, s'ils sont enterlayse ove Disceit & fauxitie, Cōe si un Fine soit levie p Disceit, & cinq ans passe; p le Statute de 4 H. 7. c. 24. tous persons & lour droits seront per ceo barre: uncore pur ceo que sult per Disceit, le Fine serra avoide, come est adjudge en *Cok. lib. 3. fol. 77.* En mēme le manner, si un recover Terre per Disceit, le Recoverie pur ceo serra annēt & fait void, 3 Ed. 3. 28. Ilint si feme, q ad bon cause destr endow, voile p Disceit aver l' Teūt destr disseisie, & puis recover sa Dower p B're de Dower envers le Disseisor; uncore il serra adjudge en possession envers le Disseisee fors q; come un Disseisorelle, en respect del Disceit. *Cok. lib. 5. fol. 35.*

Et est autre manner de b're de Disceit, ou Terre q est ancient demesne est implede p b're del Roy al westm. donq; le Seignior del Mannor avera eco b're & reverse tous les form' proceedings & Judg'mt come appiert *Rast. Entr. 100, & 221. 2 R. 3. 1. 11 H. 4. 36.*

Discent.

Discent est en deux sorts, ou lineal ou collateral. *Lineal Discent* est, qūt l' Discent est convey en mesme le Line de entree sanke; come ayei, pere, fits, fits del fits, & issint debassa.

Collateral Discent est dehors en un autre branch de hault dender sangue; come le frere del ayei, frere del pere, & issint debassa.

Nota, que si un devie seisie en fee ou en taile de Terre en que aut' ad droit de ent', & ceo discent a son Heire, tiel Discent tollera l'Entree de cestuy que droit avoit d' enter, p' c' que le Heire ad ceux p' le Discent d' son pere, & issint per act de Ley; & cestuy que droit ad ne puit luy ouster p' entree sur luy, mes est mise de suer son Bre, a demander le Terre selonq' le nature de son Title. Veies de c' *Littl. 3. cap. 6. & Stat. 32 Hen. 8. Cap. 33.*

Disclaimer.

Disclaimer est, lou le Seignior disfreine son Tenant, & il sua Replevin, & le Seignior avowa le prisel, per reason que il tient de luy; si le Tenant dit, q' il disclaime de ten' d' luy, cest appelle un

Discent.

Discent or Descent is in two sorts, either lineal or collateral. *Lineal Discent* is, when a Discent is conveyed in the same Line of the whole blood; as grandfather, father, son, sons son, and so downward.

Collateral Discent is out in another branch of blood from above of the whole blood, as grandfather, brother, father's brother, and so downward.

Nota, that if one die seised in fee or in tail of Land in which another hath right to enter, and that descends to his Heir, such Discent shall take away the Entry of him who hath right to enter, for that the Heir hath it by Discent from his father, and so by act of the Law; and he that hath right cannot put him out by entering upon him, but is put to sue his Title, to demand the Land according to the nature of his Title. See hereof in *Littl. lib. 3. cap. 6. and Stat. 32. H. 8. cap. 33.*

Disclaimer.

Disclaimer is, where the Lord disfreins his Tenant, and he sues a Replevin, and the Lord avows the taking, by reason he holds of him; if the Tenant say, that he disclaims to hold of him, this is called

a Disclaimer; and if the Lord thereupon bring in a Writ of Right for Disclaimer, and it be found against the Tenant, he shall lose his Land. Also if one brings a Præcipe against two others for the Land, and the Tenant disclaims, and saith that he is not thereof Tenant, nor claims any thing therein; then the other shall have the whole Land: but if the Præcipe be brought against one alone, and he disclaims, as aforesaid, the Writ shall abate; yet the Demandant may enter in the Land, and hold it in his rightfull estate, though his Entry was not lawful.

And after the Tenant in an Action brought against him disclaims, he shall not have a Writ of Error against his own Disclaimer, because by it he hath barred himself of his right to the Land; for the words of the Disclaimer are, He hath nothing neither claims he to have in the Land, neither at the day of the bringing of the Original Writ aforesaid, &c. had or claimed, but any thing in the same Land to have he disavows and disclaims: and against this he shall not have Restitution by a Writ of Error. See *Cok. lib. 8. fol. 62.*

So if a Lord, in case where he may, disclaims his Seigniorie in Court of Record, his Seigniorie by this is extinct, and the Tenant shall hold of the Lord next above him that so disclaimed. *Lit. sect. 146.*

Disclaimer, & si le Sür sur ceo port Brief de Droit sur Disclaimer, & il soit trouve encounter le Tenant, il pdra le Terre. Auxy si un port un Præcipe vers deux autres p Terre, & le Tenant disclame, & dit que il nest de c' Tenant, ne claime rien en ceo; donques l'auter avera tout le Terre. Mes si le Præcipe soit envers un sole, & il disclame, come avant est dit, le Brief abatera; uncore le Demandant poit enter en le Terre, & ceo tener en son droitural estate, comit son Entrie ne suit loyal.

Et apres q le Teñt ẽ un Añiõ port vers luy disclame, il navera Brief de Error encounter son Disclaimer, p ceo q p son Disclaimer il ad barre luy mesme del droit del Terre; car les parols del Disclaimer sont, *Nihil habet, nec habere clamat in Terra illa, nec die impetrationis Erroris Originalis predictæ, &c. habuit sive clamavit, sed aliquid in Terra illa habere de advocat & disclamat*: & encounter ceo il navera Restitution per Brief de Error. *Veies Cok. lib. 8. fol. 62.*

Issint si ù Sür, en case ou il poit, disclame son Särrie en Court de Record, son Särrie p ceo est extinct, & le Tenãt tiẽdra del Sür prochain paramount cestuy que issint disclame. *Lit. sect. 146.*

Si Terres sont don al barō & feme en taile ou ē fee, & le baron morust, la l' feme ne poit devest le Frank-Tenement hors de luy per aucun verbal Waiver ou Disclaimer en Pais: come si devant aucun Entrie fait per luy el dit, que el ousterment waive & disclaime dit Estate, & ne unques voile prendre ou accepter de ceo; uncore le Frank-tenement remaine en luy, & el poient' quant a luy pleist. Issint un Charter d' Feoffment fuit fait a quater, & Seisin fuit deliver a trois en nosme de tous, & apres le Seisin fuit deliver, le quater veignāt vlew le Fait, & dit p pol que il voi'e aver riens del Terre, ne agrea al Fait, mes disclama: & fuit adjudge, que cest Disclaimer per parol en Pais ne devestera le Frank-tenement hors de luy. *Cok. lib. 3. fol. 26.*

If Lands be giben to the husband and wife in tail or in fee, and the husband dies, the wife cannot devest the Freehold out of her by any verbal Waiver or Disclaimer in the Countrey: as if before any Entry made by her she saith, that she altogether waives and disclaims the said Estate, and will never take nor accept thereof; yet the Freehold remains in her, and she may enter when she pleases. So a Charter of Feoffment was made to four, and Seisin was delivered to three in the name of all, and after the Seisin was delivered, the fourth coming sees the Deed, and saith by word that he will have nothing of the Land, nor agree to the Deed, but disclaims: and it was adjudged, that this Disclaimer by word in the Countrey shall not devest the Freehold out of him. *Cok. lib. 3. fol. 26.*

Discontinuance.

Discontinuance est, quant un home alien a un autre Terres ou Tenementis, & morust, & un autre ad droit a mesme les Terres, & ne puit enter en eux p cause de cel Alienation; si come un Abbot alien les Terres de son Meason a un autre ē fee, fee-taile, ou pur vie, ou si un hōe alien les Terres que il ad en droit la feme, ou si Tenant

Discontinuance.

Discontinuance is, when a man alienates to another Lands or Tenements, and dies, and another hath right to the same Lands, and may not enter into them because of this Alienation; as if an Abbot alien the Lands of his House to another in fee, fee-tail, or for life, or if a man alien the Lands that he hath in right of his wife, or if Tenant in tail makes

makes, of the Lands given to him and the Heirs of his body, any Feoffment, Gift in tail, or Lease for life, not warranted by the Statute 32 Hen. 8. by Fine or Liberty of seisin; then such Alienations are called Discontinuances, for such Estates passe away by Liberty and seisin: In these cases the Successors of the Abbot, or the woman after the death of her husband, or the issue in tail after the death of the Tenant in tail, and they that have any Remainder or Reversion after the end of the Estate-tail, may not enter, but every of them is put to his Action.

And as there is Discontinuance of Possession, as is said before; so also is there Discontinuance of Process or Plea: and this is when the instant is lost, and may not be regained, but by a new writ to begin the Suit afresh; for to be discontinued and to be put without day is all one, and nothing else but finally to be dismissed the Court for that time. West part. 2. tit. Fines, sect. 115. So Crompton, in his Jurisdictions, fol. 131. uses it in these words; If a Justice-seat be discontinued by the not coming of the Justices, the King may renew it by his Writ.

And if the Justices of any Court do not meet at the day and place appointed, then the Cause shall be discontinued unto another day; as in Cok. lib.

en taile fait, de les Terres done a luy & a ses Heires de son corps, asc Feoffment, Don en taile, ou Leas p vie, nient garrant p Statute 32 H. 8. p Fine ou Liverie d seisin; dōq; tiels alienat ons sont appel' *Discontinuances*, car tiels Estates passent tous foirs per Liverie & seisin: En ceux cas les Successors del Abbe, ne la feme apres le mort sa baron, ne l' issue en le taile apres le mort le Tenant en le taile, & ceux en Remainder ou Reversion puis le fine del Estate taile, ne poient entre, mes chescun de eux est mise a son Action.

Et sicōe la est *Discontinuance de Possession*, comē est dit avant; issint auxy la est *Discontinuance de Processu ou Plea*; & ceo est quant l' instant est perde, & ne poit estre prise arere, mes per novel Brief a comēcer le Suit a novel; car destre *discontinue* & destre mis sans jour est tout un, & nient auterment que destre finalement dismisle l' Court de cel Instāt. west part. 2. tit. Fines, sect. 115. Issint Crompton, en son *Jurisdictions*, fol. 131. ceo use en ceux polz; Si un Justice-seat soit discontinuee per le nient venir des Justices, le Roy poit c' renuer per son Brief.

Auxy si les Justices de asc Court ne viendront al jour & lieu appoint, donque le Cause serra *discontinue* tanq; al aut' jour; come est en Cok. lib

lib. 1. fol. 38. Munt si home ad un Aſſion en le Court del Marshallſea, & le Roy remove hors del Vierge, les Pleas ſerront *discontinuez*, *Cok. lib. 10. fol. 73.*

Veles plus de ced en *Lit. lib. 3. cap. 11. & 32 H. 8. cap. 28.* que tolle *Discontinuances* p baron ſeiſe en droit ſon ſeme.

1 fol. 38. So if a man hath an Aſſion in the Court of the Marshallſea, and the King removes ſorth of the Vierge, the Pleas ſhall be diſcontinued, *Cok. lib. 10. fol. 73.*

See more hereof in *Litt. lib. 3. cap. 11. and 32 H. 8. cap. 28.* which takes away *Discontinuances* by the husband ſeiſed in right of his wiſe.

Disgrading.

Disgrading eſt, quant un hom̃ ayant priſe ſur luy un Dignity temporal ou Eccleſiaſtical, eſt enap d ceo deprive, ſoit il Chivaler; Clerk, ou autre home. Pur que ſi un Clerk ſoit delliver a ſon Ordinarie, & ne poit acquit luy meſme del Peche d que il ſuit conviſt p le Jurie, il ſerra pur ceo diſgraded; q̃ riens aut eſt forſque le Deprivation d luy de ceux Orders que il ad ſur luy priſe, com̃ Prieſthood, Deaconſhip, ou autrement. *Stanf. Pla. Co. fol. 130, 138.*

Et en meſme le man la eſt *Disgrading* un Chivaler, come eſt avantdit. Veies *Stow. Annal. pag. 685.* Et eſt digne l'observation, q̃ p le Canon Ley la ſont deux ſorts d *Disgradings*; l'un ſummarle, p parol ſolemn, & laut ſolemn, per Deveſtiant le partie diſgraded de ceux Ornaments & Rites que ſont les Enſignes d

Disgrading.

Disgrading, or Degrading, is when a man having taken upon him a Dignity temporal or ſpiritual, is afterwards thereof deprived, be he Knight, Clerk, or other. Whereof if a Clerk be delivered to his Ordinary, and cannot clear himſelf of the Offence whereof he is convicted by the Jury, he ſhall be diſgraded for it; which is nothing elſe but the Deprivation of him from thoſe Orders he hath taken upon him, as Prieſthood, Deaconſhip, or otherwiſe. *Stanf. Pl. Cor. fol. 130, 138.*

In like manner there is *Disgrading* of a Knight, as is aforeſaid. See *Stow Annal. pag. 685.* And it is worthy the observation, that by the Canon Law there are two kinds of *Disgradings*; the one ſummary, by word only, and the other ſolemn, by Deveſting the party diſgraded from thoſe Ornaments and Rites which are the Enſigns

Ensigns of his Order or Degree. See 4 E. 4. 19, 20.

Ion Order ou Degree. Veies 4 E. 4. 19, 20.

Tithes.

Tithes are the Tenth parts of any thing, but properly of those things that increase, which for the most part belong to Ministers of the Church for their maintenance; and they are of three sorts, to wit, Predial, Personal, and mixt. Predial Tithes are Tithes that are paid of things that come of the Ground onely; as Corn, Hay, Fruits of trees, and such like.

Personal Tithes are Tithes paid of such profits as come by the labour and industry of a mans person; as by Buying and Selling, gains of Merchandize, and of Handycrafts men, Labourers, and such as work for hire, as Carpenters, Masons, and such like.

Mixt Tithes are Tithes of Calves, Lambs, Pigs, and such like, that increase partly of the Ground they are fed upon, and partly of the keeping, industry and diligence of the Owner.

Dismes.

Dismes sont les Disme parts de ascun chose, mes pperment de ceux choses que encrease, queux pur le plus part perteign al Ministers d Eglise p leur maintenance; & ils sont divides en 3 sorts, nolsmement, *Predial, Personal, & mixt.* *Predial Dismes* sont Dismes q sont paid de choses queux viēt d le Terr solemēt; come Brees, Fene, Fruits del arbres, & tiels semblables.

Personal Dismes sont les Dismes que sont paid de tiels pfts que veign p le Labor & industry del pson d un hōe; come p Emption & Vendition, gain d Merchandise, & de Manuel-crafts homes, Labourers, & tiels que labor pur salary, come Carpenters, Macons, & tiels semblables.

Mixt Dismes sont les Dismes d Vitels, Agnes, Porceles, & tiels semblables, que encrease partment del Terre sur q ils sont depasture, & partment d garding, industry & diligence del owner.

Dispa

Disparagement.

Disparagement est un Hôte, Disgrace, ou Villanie fait par le Gardien en Chivalrie a son Gard deins age, par raison de son Mariage.

Come quant le Gardien marrie son Warde deins age de xiv. ans, & deins tiel temps qu'il ne peut consent al Mariage, al un Niece, ou al fille d'un qui demure en un Borough, (qui est desirer entendre tiels queux peres pousse Main-crafts, & tiels baser Arts de emption & vendition par gaine leur vivre) ou al un que est decrepit, ou desormi, ou ayant horrible disease, come le Leprosie, les Pocks de Franks, Falling-sickness, ou tiels semblables, ou marrie luy a une femme qui est pas le age de Infanter, & divers tiels autres; donques, sur le complaint fait par les amies de tiel Heire, le Seigneur ou Gardein perdra le Gardship, & les profits durant le Nonage de le Heire, par le Disparagement fait a luy. Veles *Lib. 2. cap. 4.*

Disseisin.

Disseisin est, quant un home entre en aucun Terres ou Tenements lou son Entree n'est pas congeable, &

Disparagement.

Disparagement is a Shame, Disgrace, or Villany done by the Gardian in Chivalrie to his Ward within age, in point of his Marriage.

As when the Gardian marries his Ward within age of fourteen years, and within such time as he cannot consent to Marriage, to a Bondswoman; or to the Daughter of one that dwells in a Borough, (which is to be understood such whose fathers profess handicrafts, and those baser Arts of buying and selling to get their living) or to one that is lame, or deformed, or hath some horrible Disease, as the Leprosie, French-Pox, Falling-Sickness, or such like; or marries him to a woman that is past Child-bearing, and divers such other; then, upon complaint made by the friends of such Heir, the Lord or Gardian shall lose the Wardship, and the profits during the Nonage of the Heir, for the Disparagement done him. See *Lib. 2. cap. 4.*

Disseisin.

Disseisin is, when a man enters into any Lands or Tenements where his Entry is not lawfull, and puts him

him out that hath the Freehold.

ousta celuy que ad le Franktenement.

Disseisin upon Disseisin.

Disseisin upon Disseisin is, when the Disseisor is disseised by another.

Disseisin sur Disseisin.

Disseisin sur Disseisin est, quant Disseisor est disseise per un autre.

Disseisor and Disseisee.

Disseisor is he who puts a man out of his Land without order of Law.

But the King cannot be said to be a Disseisor; and with this is a note in 1 E. 5 f. 8. that it was held, the King could not be termed one that did wrong, for if one will disseise another to the use of the King, where the King hath no right, the King cannot be said a Disseisor.

Disseisee is he that is put out of his Land; and if such Disseisee leby a Fine of the Land whereof he is disseised to a stranger, the Disseisor shall keep the Land for ever, for the Disseisee against his own Fine cannot claim, and the Conusee cannot enter, for the right which the Disseisee had was extinct by the Fine, whereof the Disseisor shall take advantage: and so was the opinion, Cok. lib. 2. fol. 56.

Disseisor & Disseisee.

Disseisor est celuy que mist aucun home hors de son Terre sans order le Ley.

Mes le Roy ne serra dit destit un Disseisor; & ove ceo est un note en 1 E. 5. fol. 8. que fuit tenu, le Roy ne poit estre dit un que fist tort, car si un voet disseise un aut' al oeps le Roy, lou le Roy nad droit, le Roy ne poit estre dit Disseisor.

Disseisee est cestuy que est mis hors d'son Terr; & si tiel Disseisee levle Fine del Terre de que il est disseisee al un estranger, l' Disseisor retela l' Terr a routs jours, car l' Disseisee encont' s' Fine demesne ne poit claime, & le Conusee ne poit ent', car l' droit que le Disseisee ad fuit extinct p. le Fine, dont l' Disseisor prendra advantage: & issint fult le opinion, Co. l. 2. fol. 56.

Distresse

Distresse.

Distresse est le chose prise & distreine sur asc' Terf pur Rent arere, ou pur auter dutie, ou pur tort fait, comt que le proprietie de chose soit pertaigne al stranger: mes si sont Avers q pertaigne al estrang', il covient que ils sont levant & couchant sur mesm le Terf, cest adire, que les Avers avoient este sur le terre p certain space, que ils ont eux bien repose sur la terre, ou autrement ils ne sont distreinable pur Rent ou Service.

Si u distreine pur Rent ou auter chose sans cause loyal, donques le partie grieve avera un *Replevin*, & sur Suretie trove de pursuerson Action, avera le Distresse re-deliver. Mes sont divers choses q ne sont distreinable, viz. Robe de anter home en le meason de un Taylour, ou Drape en le meason de u Fuller, Sheerman, ou Weaver, p ceo que ils sont common Artificers, & le common presumption est, que tiels choses ne sont pertaignont al Artificer, mes al auters persons q eux miltont la a overer.

Vian d nest pas distreinable, ne Blee en sheaves, sino q ils sont en un Chariot; p c q Distress coviet estt tous soits de tiel chose dont l' Viscount

Distress.

Distress is the thing taken and distrained upon any Land for Rent behind, or other duty, or for hurt done, although the property of the thing belongs to a stranger: but if they are Beasts that belong to a stranger, it behoves that they were levane and couchant upon the same Ground, that is to say, that the Beasts have been upon the ground a certain space, that they have themselves well rested there, or else they are not distrainable for Rent or Service.

If one distrain for Rent or other thing without lawfull cause, then the party grieved shall have a Replevin, and upon Surety found to pursue his Action, shall have the Distress re-delivered. But there are divers things that are not distrainable; viz. another mans Gown in the house of a Tailor, or Cloth in the house of a Fuller, Sheerman, or Weaver, they being common Artificers, and the common presumption is, that such things belong not to the Artificers, but to other persons who put them there to be wrought.

Witall is not distrainable, nor Corn in sheaves, unless they are in a Cart; because a Distress ought to be always of such things whereof the Sheriff may

may make Replevin, and deliver again in as good case as they were at the taking.

A man may distrain for Homage of his Tenant, for Fealty and Escuage, and other Services, and for Fines and Amerciaments which are asselled in a Leet, but not in a Court-Baron; and for Damage-feasant, that is, when he finds the Beasts or goods of any other doing hurt, or incumbering his Ground. But a man may not distrain for any Rent, or thing due for any Land, but upon the same Land that is charged therewith. And in case where I come to distrain, and the other, seeing my purpose, chases the beasts, or bears the thing out, to the intent that I shall not take it for a Distresse upon the Ground; then I may well pursue; and if I take it presently in the Highway, or in anothers ground, the taking is lawful as well there as upon the Land charged, to whomsoever the property of the goods belongs.

Also for Fines and Amerciaments asselled in a Leet, one may always take the goods of him that is so amerced, in whose ground soever they be within the Jurisdiction of the Court, as it is said.

Also when one hath taken a Distresse, it behoves him to bring it to the common Pound, or else he may keep it in an open place, so that he give

poit faif Replevin, & redeliver en auxy bone case que il sult al prisel.

Home poit distreine pur Homage de son Tenant, p Fealty & Escuage, & auters Services, & p Fines & Amerciaments que sont asselle en un Leet, mes nemy en un Court-Baron; & p Damage-feasant, cestascavoir, qnt il trove les Beasts ou biens ds aur's feasans tort, ou incumbrant son Terre. Mes home ne poit distreine p alc' Rent, ou chose due p aucun Terre, mes sur mesme le Terre que est charge oveisque ceo. Et en case lou jeo veigne a distreiner, & lauter, veyant mon purpose, chace les beafts, on port le chose dehors, al entent que jeo ne prendra ceo p un Distresse sur le Terre; donqs jeo poy bien pursue; & si jeo prise ceo maintenant en l' Hault chemin, ou en aut' soile, le prisel est loyal auxybñ la come sur la Terre charge, a quecunque la propretie des biens sont.

Auxy p Fines & Amerciaments asselle en un Leet, un poit tous foits preoder les biens celuy que est issint amerce, en quecunque soyle que ils sont deins le Jurisdiction del Court, ut dicitur.

Et quant un ad prise un Distresse, il covient luy de amesñ ceo al common Pound, ou autrement il poit garder e overt lieu, issint que il done notice

notice al partie, que il (si le Distresse soit vive avers) poit done a luy viand; & donques si l'avers morust p̄ default d̄ viand, cēluy q̄ fuit distreine serra a le pard; & donques laut' poit distrein auer-soits pur m̄ le Rentou dutle. Mes si amesna le Distresse a ū Fortlet, ou hors del Countrie, q̄ le Visé ne poit biē faif deliverance sur Replevin; donqs le ptie (sur le Return del Visé) avera ū Bre d̄ *withernam* direct al Visé, q̄ il prendra tant des avers ou tant des biens laut' en son garde, tanq; il ad fait deliverance de le prim Distresse. Auxy si sont en un Fortlet ou Castle, le Visé poit prender ove luy le Power del Countrie, & abar' le Castle, cōe appert p̄ le Statute de *West. 1. c. 17. Ideo vide Statut.*

notice to the party, that he (if the Distress be a quick beast) may give it food; and then if the beast die for want of food, he that was distrained shall be at the loss, and the other may distrain again for the same Rent or duty: But if he carry the Distress to an Hold, or out of the County, that the Sheriff may not make deliverance upon the Replevin; then the party (upon Return of the Sheriff) shall have a Writ of *Withernam* directed to the Sheriff, that he take as many beasts or as much goods of the other into his keeping, till deliverance be made of the first Distress. And also if they be in a Fortlet or Castle, the Sheriff may take with him the Power of the County, and beat down the Castle, as appears by the Statute of *West. 1. c. 17. Therefore see the Statute.*

Districus.

Districus est asc' soits use p̄ le Circuit ou Territorie deins quel hōe poit eslr compeld̄ appear, *Brit. c. 120.* & issint auxy est *Districus* ē le *Reg. orig. f. 6. b.* Distresse ē le prim significatiō est divide primermēt ē finite & infinite. *Finite* est ē q̄ est limit p̄ Ley, q̄ tost il serra fait, a traher le ptie al trial del Action, cōe ū soits ou deux soits, *Veil. Nat. Brev. f. 43.* Distresse infinite est sans limitation tanque le

District.

District is sometimes used for the Circuit or Territory within which a man may be compelled to appear, *Brit. c. 120.* and so also is *Districus* in the *Reg. orig. fol. 6. b.* Distress in the former signification is divided first into finite and infinite. Finite is that which is limited by Law, how often it shall be made, to bring the party to trial of the Action, as once or twice, *Old. Nat. Brev. f. 43.* Distress infinite is without limitation untill the

the party comes; as against a Jury that refuses to appear upon Certificate of Writ, the Process is a Venire facias, Habeas corpora, and Distresse infinite. Old. Nat. Brev. f. 113.

When it is divided into the grand Distresse, Anno 32 H. 3. c. 7. which Fitzh. calls in Latine Magnam Distractionem, Nat. Brev. 126. a. and an ordinary Distresse. A grand Distresse is that which is made of all the goods and chattels which the party had within the County, Brit. c. 6. f. 52. But see whether it be not sometimes all one with Distresse infinite, idem fol. 80. with whom also the Statute of Marlbridge seems to agree, Anno 32 H. 3. c. 7. & 12. See the Old. Nat. Brev. 71. b.

Distringas.

Distringas is a Writ directed to the Sheriff, or any other Officer, commanding him to distress for a Debt to the King, &c. or for his appearing at a day. See the great diversity of this Writ in the Table of the Reg. judic. verbo Distringas.

Also there is a Writ to distress Jurors to try an issue in a Suit at Common Law. And also another Writ to distress the adjacent Villages to make good hedges and fences throught down in the night by unknown men. Of which see 1 Cro. Rep. 204. & Int' Reg. & Inhabit' de Epworth.

X

partie vient; come vers un Jurie que refuse d'apparear sur le Certificate d'Assise, le Proces est un Venire facias, Habeas corpora, & Distresse infinite. Veil Nat. Brev. f. 113.

Donque il est divide en le grand Distresse, come Anno 32 H. 3. c. 7. Fitzherbert appelle Latine Magnam Distractionem; Nat. Brev. 126. a. & un ordinarie Distresse. Un grand Distresse est ceo que est fait de tous les biens & chattels que le partie ad delns le Countie, Brit. c. 6. f. 52. Mais que ou il ne soit asc. soit tout u ove u Distresse infinite, idem fol. 80. ove que auxy le Statute d' Marlbridge semble d' agreer, Anno 32 H. 3. c. 7. & 12. Veies le Veil Nat. Brev. 71. b.

Distringas.

Distringas est un Bre direct al Vice ou al' aut' Officer, luy comandant a distreine u p u Det al Roy, &c. ou p son appareance al u jour. Veies le grand diversite de cest Bre e le Table del Reg. judic. verbo Distringas.

Auxi est un Writ ad distringendu Juratores ad triandū Exitum en un Suit al common ley. Auxy est un aut' Breif de distringas Villatas circumjacentes ad levandu sepes & fenfuras noctanter p ignotos pstrata. De quel V. 1 Cro. rep. f. 204. Et int' Reg. & inhabit' de Epworth. Di-

Dividend.

Dividend est un parol use en le Stat. de Roteland, Anno 10 E. 1. ou il semble signifier un part d'un Indenture. Veies Anno 28 ejusdem, Stat. 3. c. 2.

Divorce.

Divorce. Veies Devorce.

Docket.

Docket est un Petit quantity d'Pap ou Parchment escrie, q̄ contien ē luy l'effect de plus Grand Escript. Veies le Stat. d' 2 & 3 P. & M. c. 6. M. West. part. 2. tit. Fines, sect. 106. appelle cecō Dogget.

Dog-draw.

Dog-draw est un manifest Deprehension d'un offend envers Venison en le Forrest. En sont quatre sorts de ceux note p̄ Manwood, part. 2. c. 18. num. 9. de ses Forrest Leys, cest-ascavoir, Dog-draw, Stable-stand, Back-bear, & Bloudy-hand. Dog-draw est, quāt ū est trove trahāt aps ū Dame p̄ le sent d'un Brache tient en son maine.

Dividend.

Dividend is a word used in the Statute of Rutland, Anno 10 E. 1. where it seems to signifie one part of an Indenture. See Anno 28 ejusdem, Stat. 3. c. 2.

Divorce.

Divorce. See Devorce.

Docket.

Docket is a Little piece of Paper or Parchment written, that contains in it the effect of a Greater Writing. See the Statute 2 & 3 P. & M. c. 6. M. West. part 2. tit. Fines, sect. 106. calls it Dogget.

Dog-draw.

Dog-draw is an apparent Deprehension of an offender against Venison in the Forrest. There are four kinds of them observed by Manwood, part 2. c. 18. num. 9. of his Forest Law, that is, Dog-draw, Stable stand, Back-bear, and Bloudy-hand. Dog-draw is, when one is found drawing after a Deer by the sent of a Hound led in his hand.

Dogget

Dogger.

Dogger is a kind of Ship, Anno 31 E. 3. Stat. 3. c. 1. Dogger-fish, ib. c. 2 seems to be fish brought in those Ships to Blackney Haven, &c. Doggermen, Anno 2 H. 8. c. 4.

Dole-fish.

Dolefish seems to be those fishes which the Fishermen yearly employed in the North seas do of custome receive for their allowance. See the Statute Anno 35 H. 8. c. 7.

Dominus litis.

Is the Advocate in the Civil Law, who after the death of his Client, prosecutes a Suit to sentence for the Executors use.

Domo reparanda.

Domo reparanda is a Case that lies for one against his neighbour, by the fall of whose Houle he fears some hurt will come to his own. Reg. orig. fol. 123.

Dogger.

Dogger est un sort d Neisse, Anno 31 E. 3. Stat. 3. c. 1. Dogger-fish, ibid. c. 2. semble destre Pissons port en ceux Niefes al Blackney Haven, &c. Doggermen, Anno 2. H. 8. c. 4.

Dolefish.

Dole-fish semble desif ceux Pissons que les Fishermes annualmēt employ ē le North mere d custome receivont p leur allowance. Veles le Statute Anno 35 H. 8. c. 7.

Dominus litis.

EST un advocate en le Civil Ley que puis le mort de son Client prosecute un suit al sentence pur l' use del Executor.

Domo reparanda.

Domo reparanda est un Brief q gist p un envers son vicine, p le chier d quel Mason il suppose aucun leid vol. - happen a son meason de mē. Reg. orig. fol. 123.

Doom.

Doom (del Saxon dom) signifie Judgment; un parol mult use en References al Arbitrateurs.

Dooms-day.

Dooms-day est un Livre qui fuit escrie en le temps de S. Edward le Confessor, cōc le Authour de Vell Nat. Brev. dit, fol. 15. & devāt en le title *Ancient demesne*, contenant en ceo non solefint tous les Tres p Angleterre, mes aux tous les nosmes d ceux en queux mains ils fueront a cel temps quant le Livre fuit fait. Lamb. pva qui cest Livre fuit fait en le temps de Guislme le Conqueror, ove qui Camden en son *Britain* pag. 94. agreea, ceo p vāt hors d Ingulphus qui flourie mesme le temps, qui touchant les contents d ceo ad ceux parolx: *Totam Terram descripsit; nec erat Hida in tota Anglia, quin Valorem ejus & Possessorem scivit, nec Lacus nec locus aliquis quin in Regis Rotulo extitit descriptus, ac ejus Redditus & Proventus, ipsa Possessio & ejus Possessor Regie notitie manifestatus, juxta Taxator fidem, qui electi de qualibet Patria territorium proprium describebant. Iste Rotulus vocat est Rotulus win.*

Doom.

Doom (from the Saxon Dom) signifies Judgment; a word much used in References to Arbitrators.

Dooms-day.

Dooms-day is a Book that was written in the time of S. Edward the Confessor, as the Author of Old Nat. Brev. saith, fol. 15. and before in the title of *Ancient demesne*, containing in it not only all the Lands through England, but also all the names of those in whose hands they were at that time when the Book was made. Lambert proves that this Book was made in the time of William the Conqueror, with whom Camden in his *Britain* pag. 94. agrees, proving it out of Ingulphus that flourished the same time, who touching the contents thereof hath these words: It describes the whole Land; neither was there one Hide in all England whose Value and Possessor was unknown, nor any Pool or place not described in the Kings Roll; and the Rent, profits, Possession it self and Possessor not made known to the King, according to the fidelity of the Taxers, who described the same Country wherein they were elected. That Roll is called *Rotulus win.* and by the English, for its generality,

ky, in that it contains all the Tenements contained throughout the Land, it is surnamed *Dooms-day*, And this Book is sometimes called *Liber Judicatorius*, because in it is contained a diligent Description of the Kingdom, and it expresses the value of all the ground thereof, as well in the time of King *Edward*, as in the time of King *William*, under whom it was compiled.

Doomsman.

S Eem to be Suitors in a Court of a Mannor in Tuncient demesne, who are Judges there.

Donative

D Onative is a Benefice merely giben and collated by the Patron to a man, without either Presentation to, or Institution by the Ordinary, or Induction by his commandment, F.N.B. 35. c. See the Statute of 8 R. 2. c. 4. Peter Gregory de Beneficiis, c. 11. num. 1. hath these words: But if Chappels founded by Lay-men were not approved of the Diocesan, and, as they term it, spiritualized, they are not accounted Benefices, neither can they be conferred by the Bishop, but remain to the pious disposition of the Founders. Wherefore the Founders and their Heirs

roniz; & ab Anglis, pro sua generalitate, quod omnia Tementa totius Terræ continuit, *Dooms-day cognominatur*. Ecce est Livre est asc solts appel *Liber Judicatorius*, qui in eo Regni Descriptio diligens continetur, & tam de tempore Regis *Edwardi*, quam de tempore Regis *Gulielmi*, sub quo factus est, singulorum fundorum valentia exprimitur.

Doomsman,

S Emble desire Suitors en le Court dun Mannor en auncient demesne queux sont judges la.

Donative.

D Onative est un Benefice merement done & collate per le Patrona un home, sans ou Presentation al, ou Institution per le Ordinarie, ou Induction per son Commandment, F. N. B. 35. c. Veies le Statute de 8. R. 2. c. 4. Peter Gregor. de Beneficiis, c. 11. num. 1. ad ceux parols: Si tamen Capella fundata per Laicos non fuerint a Diocesano approbata, & ut loquuntur, spiritualizata, non censentur Beneficia, nec ab Episcopo conferri possunt, sed sunt sub pia dispositione Fundatoris. Pur que les Founder & leur heires poient doner tiels

Chappels, si's voilont, sans le Evesque.

M. Gwyn, en le Preface a ses Lectures, dir, Que le Roy puit dō veil temps fonder un frank Chappel, & ceo exempter del Jurisdiction del Diocesan: Iisint auxy il puit p ses Letters Patents doner congee a un common pson de fonder tiel Chappel, & de ordelgner q̄ il serra *Donative*, & nient *presentable*, & q̄ le Chapleine serra deprivable p le Founder & ses heir, & nemy p l'Evesque: & ceo semble destre le original de Donatives en *Angleterre*. Fitzherbert dir, fol. 33. l. que la sont aucuns Chauntries q̄ hōe poit doner p ses Letters Patents.

Et tous Evesqueries fueront del Foundation d̄ Roys d̄ *Angleterre*, & p̄ ceo en ancient temps ils fueront *Donative*, & dones p les Roys; uncore jāmēs l'Evesqueries sont deveigne, p les Grants del Roys, elligible per lour Chapter. *Coke l. 3. f. 76.*

Donor & Donee.

Donor est celuy que done Terres ou Tenem̄ al aut en taile; & celuy a q̄ il est done est appel le Donee.

may gibe such Chappels, if they will, without the Bishop.

M. Gwyn, in the Preface to his Readings, saith, That the King might of ancient time found a free Chappel, and exempt it from the Jurisdiction of the Diocesan: So also he may by his Letters Patents gibe licence to a common person to found such a Chappel, and to ordain that it shall be *Donative*, and not *presentable*, and that the Chaplain shall be deprivable by the Founder or his heir, and not by the Bishop: and this seems to be the original of *Donatives* in England. Fitzherbert saith, fol. 33. c. that there are some Chauntries which a man may gibe by his Letters Patents.

And all Bishopricks were of the Foundation of the Kings of England, and therefore in the ancient time they were *Donative*, and given by the Kings; yet now the Bishopricks are become, by the Grants of the Kings, eligible by their Chapter, *Coke, l. 3. f. 76.*

Donor and Donee.

Donor is he who gives Lands or Tenements to another in tail; and he to whom the same is given is called Donee.

Dorture.

Dorture is a common Room, place, or Chamber, where all the Religious of one Covent slepe, and lay all night. Anno 25 H. 8. cap. 11.

Double Plea.

Double Plea is, where the Defendant or Tenant in any Action pleads a Plea in which two matters are comprehended, and each one by it self is a sufficient Bar or Answer to the Action, then such double Plea shall not be admitted for a Plea, except one depend upon another; and in such case if he may not have the last Plea without the first, then such a double Plea shall be well received.

Double Quarel.

Double Quarel is a Complaint made by any Clerk or other to the Archbishop of the Province against any inferior Ordinary, for Delaying Justice in any Cause Ecclesiastical, as to give sentence, or to institute a Clerk presented, or such like: the effect of which is, That the Archbishop, taking knowledge of such Delay, directs his Letters under his

Dorture.

Dorture est un common Roome, lieu, ou Châbre, lou tous les Religieux d'un Covent dorment, & giseront tout le nuit. An. 25 H.8.c.11.

Double Plee.

Double Plee est, lou le Defendant ou Tenar en aucun Actiō plede un Plee ē q̄ deux matters sōt comprehendus, & chescun p luy mesme est un sufficiēt Barre ou Respons al Actiō, donq̄s tiel double Plee ne serra admit pur Plee, sinon que un depēd sur l'auter; & en tiel case si il ne poit aver le darraïne Plee sans le primer Plee, donques tiel double Plee serra bien recev'.

Double Quarrel, ou Querelle.

Double Quarrel est ū Complaint fait p asc' Clerk out aut' al Archievesq̄ dl Province ēvers asc' Inferiour Ordinarie p delaler de Justice ē asc' Cause Ecclesiastical, cōe a doner sentence, ou dinstiruer un Clerk presentus, ou tiels semblables: l'effect de q̄ est, que l'Archievesque, prenant conufance de tiel Delay, directa ses Letters south son

Seale authentiq a tout & singular Clerks de son Province, per ceo eux commandant & donant eux authorite & chesc' de eux, de admonisher le dit Ordinarie deins neufe jours a fair le Justice demand, ou auterment de citer luy d'apparear devant luy ou son Official al un jour en les dits Letters prefixe, & la d'alledge le meistre d son Delay; & dernièrement de intimat' al dit Ordinarie, que sil ne perform pas le chose enjoyn, ne apparast al jour assigne, il luy mesme sans auter Delay procederoit de performer le Justice require. Et ceo semble destre terme un *Double Querrel*, pur ceo que est plus communement fait envers le Judge, & ce luy a que petition Justice est delay.

Dower.

Dower, per le Ley del Realme, est un Portion que Feme ad del Terres del baron, quel p Common Ley est le tierce part; mes p assignement del baron p assent son pere al huis del Esglise, poit aver tant del Terre son pere come est issint assigne, & issint del assignement son baron de part son Terre demesne. Et *Dower*, per Custome d aucun lieux, est de aver le moietie del Terre

authenticall Seal to all and singular Clerks of his Province, thereby commanding and giving authority to them and every of them, to admonish the said Ordinary within nine days to do the Justice required, or otherwise to cite him to appear before him or his Official at a day in the said Letters prefixed, and there to alledge the cause of his Delay; and lastly, to intimate to the said Ordinary, that if he performs not the thing enjoined nor appears at the day assigned, he himself without other Delay will proceed to perform the Justice required. And it seems to be called a Double Quarrel, because it is most commonly made against the Judge, and him at whose request Justice is delayed.

Dower.

Dower, by the Law of the Realm, is a Portion which a Widow hath of the Lands of her husband, which by the Common Law is the third part; but by her husbands assignment by his fathers assent at the Church-door, she may have so much of his fathers Land as is so assigned, and so of the husbands assignment of part of his own Land. And Dower, by the Custome of some places, is to have half the

the husbands Land. Dower is also a *Writ* that lies where a man is sole seised, during the Coverture between him and his wife, of Lands or Tenements in Fee-simple or Fee-tail, where by possibility the issue between them may inherit; if such a man die, his wife shall recover the third part of all the Lands whereof the husband was sole seised any time during the Coverture, by a *Writ* of Dower unde nihil habet, though he died not seised, and though he made Alienation thereof in his life.

But if a man, before the Statute of Uses, 27 H. 8. had Lands in which another man or other men were seised to his use always during the Coverture, and he to whose use they were seised died before the said Statute, his wife should not be endowed.

And if before the said Statute two men were seised of Lands to the use of one of them, and he to whose use, &c. died before the said Statute, his wife should not be endowed. Also if a woman bring a *Writ* of Dower, she should recover Damages for the profit run after the death of her husband, if he died seised thereof: but if any Alienation or Estate were made during the Coverture, so that the husband died not seised; then though she should recover the Land, yet no Damages.

le baron. Dower est auxy un Brief que gist lou home est sole seisie, durant le Coverture perentier loy & sa feme, de terres ou Tenements en Fee-simple ou Fee-tail, lou per possibilitie le issue ent' eux poyot enheriter si riel home devie, la feme recouvrera le tierce part de tous les Terres dont le baron suit sole seisie ascun temps durant le Coverture, per Brief de Dower unde nihil habet, mesque il ne morust seisie, & mesque il ad fait Alienation de ceo en sa vie.

Mes si home, devant le Statute de Uses, 27 H. 8. ad Tefs en queux auter hōe ou auters homes fuerent seisies a son oeps tous soits durant le Coverture, & cestuy a q̄ oeps ils fueront seisies devie devant le dit Statute, la feme ne serroit endow.

Et auxy si devant le dit Statute deux homes sont seisies de Tefs al oeps de un d'eux, & cestuy a que oeps, &c. devie devant le dit Statute, la feme ne serra endowe. Auxy si feme port Brief de Dower, el recouvrera Dāgages pur le profit incurrus apres le mort la baron, fil morust de ceo seisie: mes si ascun Alienation ou Estate soit fait durant le Coverture, issint que le baron ne morust seisie; donq; mesq; el recouvrera la Terre, uncore el ne recouvrera dāgages.

Auxy

Auxy il est un auter Brief de Dower appel *Brief de Droit de Dower*, que gist lou feme ad recover part de sa Dower en mesme le Ville, & auter part el est a recover. Mes en divers cases feme navera Dower; si come le baron fait Treason, pur que il est ataint, donque sa feme navera Dower.

Et si el elopa de sa baron oveique un auter home in Advoutry, & si el ne soit reconcle a son baron de son bone volunt sans coercion del Esglise, el ne serra endow. Veles *Lit. l. 1. c. 4.*

Et nota, que lou per Civil Ley Dower est ceo que le baron eyt ove sa feme pur le Marriage, de maintenir lour joyned estate; per les Leyes del Realm per le parol (*Dower*) est intende le Portion que le feme puis le mort del baron avera pur sa viver.

Also there is another Writ of Right of Dower, which lies where a woman hath recovered part of her Dower in one Town, and the other part she is to recover. But in divers cases a woman shall not have Dower, as if the husband commit Treason, for which he is attainted, then his wife shall have no Dower.

And if she elope from her husband with another man in Adultery, and be not reconciled to him of her own will without coercion of the Church, she shall not be endowed. See *Lit. l. 1. cap. 4.*

And note, where in the Civil Law Dower is that which the husband hath with his wife in Marriage, to maintain the married estate; by the Laws of this Realm the word (*Dower*) signifies such Portion as the wife after her husbands death shall have to live on.

Dozeine.

Dozeine.

Dozeine. Veles *Deciners.*

Dozeine. See *Deciners.*

Drie Exchange.

Drie Exchange.

Drie Exchange (*An. 3. H. 7. ca. 5.*) semble estre un subtile terme invente a disguiser Usury, en quel quelque chose est pretendu

Drie Exchange (*Anno 3 H. 7. cap. 5.*) seems to be a subtile term, invented to disguise Usury, in which something is pretended to pass on both

both Sides, whereas in truth nothing passes on the one Side.

a passer en ambideux partie louen veritie rien passa sus l'un partie.

Drift of the Forrest.

Drift del Forrest.

DRift of the Forrest is nothing else but an exact view or Examination taken once, twice, or oftner in a year, as occasion shall require, what Beasts there are in the Forrest, to the end that the Common in the Forrest be not over-charged, that the Beasts of Forreiners that have no Common there be not permitted, and that Beasts not commonable may be put out. See for this the Statute of 32 H. 8. cap. 35. and Manwoods Forrest Laws, cap. 15.

DRift del Forrest nest riens forsque un exact View & examination prise un foits, deux foits, ou plus foits en un an, come occasion require, queux Avers sont deins le Forrest, al intent que le Common en le Forrest ne soit surcharge, que les Avers des Forreiners ne sont permits de commoner la, & que Avers que ne sōt cōmonables poient estre expell'. Veles p̄ e l'Statute 32 H. 8. cap. 35. & Manwoods Forrest Leys, c. 15.

Right.

Droit.

Right is, where one hath a thing that was taken from another wrongfully, as by Dissaisin, Discontinuance, or such like; the Challenge or Claim of him that ought to have it is called Right.

If a woman release all her Right to him in Reversion, her Dower is extinct; for when the Right, which is the foundation and principal, is released, by Consequence the Action, which is but the means to recover, is also released. By Release of all Title to the Land all his Right is extinct.

Droit est, lou un ad chose que suit tolle d'auter p tort, come per Dissaisin, discontinuance, ou tiels semblables; le Challenge ou Claim de luy que doit aver est terme Droit.

Si feme release tout sa Droit a cestuy en Reversion, sa Dower est extinct; car quant le Droit, que est le foundation & le principal, est release, p consequence le Action, que nest forsque le mean a recover ceo, est auxy release. Per Release de tout Title al Terre tout sont Droit est extinct.

finet. Issint quant home ad
Title ou per Condition, ou p
Allenation en Mortmaine, le
Release de tout son Droit
extingera cest Title, *Cok. lib.*
8 f. 151, 153.

So when a man hath Title
either by Condition, or by
Alienation in Mortmain,
the Release of all his Right
shall extinguish this Title, *Cok.*
lib. 8. fol. 151, 153.

Droit de Entrée.

Right of Entry.

D*roit de Entrée* est, quant
un seigneur de Terre en fee
est de ceo disseigné; ore le
Disseigné ad *Droit d'entrée* en
le Terre, & poit quant il
voile, ou il poit aver Brief
de Droit envers le Dissei-
sor.

Right of Entry is, when one
seised of Land in fee is
thereof disseised; now the Dis-
seised hath Right to enter into
the Land, and may so do
when he will, or else may have
a Writ of Right against the
Disseisor.

Duces tecum.

Duces tecum.

D*uces tecum* est un Brief
hors del Chancery, com-
mandant home pur appare-
la, & de porter ove luy
ascun piece de Evidence, ou
auter chose que le Court
voilloit veier.

Duces tecum is a Writ out of
the Chancery, command-
ing a man to appear there, and
to bring with him some piece
of Evidence, or other thing
that the Court would have a
sight of.

Dum fuit infra etatem.

Dum fuit infra Etatem.

D*um fuit infra etatem* est
un Brief q' gist lou En-
fant alien son Terre en Fee-
simple, ou pur terme de vie;
quant il vient a son pleine
age il avera cest Brief, ou il
puit entr' fil voile, mes il co-
vient que il soit de pleine age
jour de son Brief purchase.
Auxy si Enfant alien son

DUM fuit infra etatem is a
Writ that lies where an
Infant alien his Land in
Fee-simple, or for term of life;
when he comes to his full age
he shall have this Writ, or he
may enter if he will, but he
must be of full age the day of
his Writ brought. Also if an
Infant alien his Land, and
die,

die, his issue at his full age shall have this writ, or he may enter; but the issue shall not have this writ within his age.

Terre, & devie, son issue a son pleine age avera cest Brief, ou poit enter; mes le issue n'avera cest Brief deins son age.

Dum non fuit compos mentis.

Dum non fuit compos mentis.

DUM non fuit compos mentis is a writ that lies when a man that is out of his wit, viz. Mad or Lunatick, aliens his Land in Fee-simple, and dies; then his Heir after his decease shall have this writ, but he himself shall not have it, for that a man shall not be received to disable himself. Also this writ may be made in the Per, Cui, and Post

DUM non fuit compos mentis est un Brief q' gist lou home que est hors de son bone memory, cest adire, Insane ou Lunatick, alien ses Terres en Fee-simple, & devie; donques son Heire aps son decease avera cest Bre, mes il m' n'avera cest Bre, p' c' q' home ne serra receive a disable luy mesme. Auxy cest Brief pult estre fait en le Per, Cui, & Post.

Duplicat.

Duplicat.

Duplicat is a Second Letters Patents granted by the Lord Chancellour, in case where he hath granted the same before; and therefore they are held void by Crompton in his Jur. of Courts, fol. 215.

Duplicat est un Second Letters Patents grantus per le S^r Chancellour, en case lou il ad grant le mesme devant; & pur ceo sont tenus voyds per Crompton en son Jur. des Courts, fo. 215.

Duresse.

Duresse.

Duresse is, where one is kept in Prison, or restrained from his Liberty, contrary to the order of Law, or threatened to be killed, maimed, or greatly

Duresse est, lou un home est garde en Prison, ou restraine d son Liberty, contraire al order de Ley, ou menasse desre occide, may-heme

heme, ou grandement barue : & si tel pson issint en Prison, ou pavor pur tel Menasse, fait asc' Especialty ou Obligation p reason del tel Imprisonment, tel Fait est void en le Ley ; & en Action port sur tel Especialty poit dire, q il fuit fait p Duresse de son Imprisonment. Mes si home soit arrest sur asc' Action al Suit dun autre, meique le cause del Action ne soit bone ne voier, sil fait asc' Obligation al un Estrange esteant e prison p tel Arrest, uncore il ne serra dit per Duresse. Mes sil fait Obligation a luy a q, Suit il fuit arrest, destre discharge de tel Imprisonment, donques il serra dit Duresse.

beaten : and if such person be in Prison, or in fear of such Threatnings, make any Specialty or Obligation by reason of such Imprisonment, such a Deed is void in Law; and in an Action brought upon such a Specialty, he may say, it was made by Duresse of Imprisonment. But if a man be arrested upon an Action at the Suit of another, though the cause of Action be not good nor true, if he make an Obligation to a Stranger being in prison by such Arrest, yet it shall not be said by Duresse. But if he make an Obligation to him at whose Suit he was arrested, to be discharged of such Imprisonment, then it shall be said Duresse.

Duchy.

EST un Court en le Duchy Chamber de Lancaster a westm. devant le Chancellor del Duchy de Lancaster pur matters concernant les terres, & Frachises del Duchy, & leur procedure est p English Bill come en Chancery, Coke 4. Inst. 204.

Duchy.

IS a Court in the Duchy Chamber of Lancaster at West. before the Chancellor del Duchy de Lanc for matters concerning the lands and Franchises of the Duchy and their proceedings are by English bill, as in Chancery, Co. 4. Inst. 204.

E.

Earlderman.

E Alderman among the Saxons was as much as Earl among the Danes Camb. Brit. 107. And at this day we call them Aldermen, who are Associates to the chief Officer in the Common Council of the Town, 34 H. 8. c. 13. And in some places the chief Officer himself is called Alderman.

Earle.

E Arle. See Countee.

Easement.

Easement is a Priviledge that one Neighbour hath of another, by Writing or Prescription, without profit; as a Way or a Wind through his Land, or such like, Kitch. f. 103.

Egyptians.

Egyptians, commonly called Gipsies, are counterfeit Rogues, Welsh or English, that disguise themselves in speech and apparel, and wander up and

E.

Ealderman.

E Alderman *entre les Saxons* fust tant cōe Count *entre les Danois*, Camb. Brit. p. 107. Et a cest jour nous appellomus ceux Aldermen, q̄ sont Associats al prim Officer en le Common Councel del Ville, 34 H. 8. c. 13. Et en aīc lieus le prim Officer soy m̄ est appel Alderman.

Earle.

E Arle. Veies Countee.

Easement.

Easement est ū Immunitie q̄ un vicine ad dun autre, per Charter ou Prescription, sans profit; come un Voy ou ū Chancel p son Terre, outiels semblables, Kitch. f. 103.

Egyptians.

Egyptians, vulgarit' vocati Gipsie, sont counterfeit Vagabonds, Wallois ou Anglois, q̄ eux mesmes disguise e robes & language, & vague-
ront

rôt p le Pais, pretendant daver science & Palmestry, & issint decelve le vulgar, mes vivont principalmt p embler & embeasiler des b ens; & p ceo le Statutes 1 & 2 Mar. c. 4. & 5 Eliz. c. 20. fueront faits p le punisshment de tiels psons cō Felons, s'ils ne departont le Realme, ou issint continue p un moys.

down the Country, pretending to have skill in telling fortunes, and to deceive the common people, but live chiefly by filching and stealing; and therefore the Statutes of 1 & 2 Mar. c. 4. & 5 Eliz. c. 20. were made to punish such as Felons, if they departed not the Realm, or continued so a month.

Ejectione firme.

E*jecione Firme.* Vide de ceo & le Title *Quare ejecit infra Terminum.*

Ejectione firme.

E*jecione Firme.* Look for that in the Title *Quare ejecit infra terminum.*

Ejectment de Gard.

Ejectment de Gard.

E*jecment de Gard.* Veis d ceo & le Title *Gards.*

E*jecment de Gard.* See that in the Title *Gards.*

Eigne.

Eigne.

E*igne* est un parol *Frangois*, & signifie le Eldest ou Primnee. Veies *Enitia pars.*

E*igne* is a French word, and signifies the Eldest or first-born. See *Enitia pars.*

Einecia.

Einecia

E*inecia* signifie Primogenitur ou Eldership, Stat. de Hib. An. 14 H. 3. V. *Enitia pars.*

E*inecia* signifies Eldership, Stat. of Ireland, Anno 14 H. 3. See *Enitia pars.*

Eire Justices.

Eire Justices, or Itinerant, as we call them, were Justices that used to ride from place to place throughout the Realm, to administer Justice.

And these Justices had authority in ancient times to grant Land that was seized for the King for Alienation without licence; for then Justices in Eire might have granted such Land in fee, rendering Rent, as Justices of the Forrest (who in effect, as to this purpose, are Justices in Eire) at this day may of Lands inclosed within a Forrest, without the Kings licence, Coke, l. 2. fol. 80.

Election.

Election is, when a man is left to his own free will, to take or do one thing or another, which he pleases: As if A covenants to pay B a pound of Pepper or Saffron before Whitson-tide, it is at the Election of A at all times before Whitson-tide, which of them he will pay; but if he pays it not before the said feast, then afterward it is at the Election of B to have his Dutton for which he pleases. Dyer, f. 18. pl. 104.

So if a man gives to another his Horse or Cow, the Donee may take the one or the other at

Eire Justices.

Eire Justices, ou Itinerant, cōe nous appel' eux furent Justices q̄ ule d'equitate de lieu al lieu per tout le Realm, p̄ administrer Justice.

Et ceux Justices avoyent autorite en aneient temps a granter Tfe que fult seisee p̄ le Roy pur Alienation sans Licence; car adonq̄s Justices ē Eire pouvoient aver grānt tiel Tfe ē fee, rendant Rent, cōe Justices del Forrest (q̄ ē effect, quant a cest purpose, sont Justices en Eire) a cest jour poyent de Tfes enclose deins un Forrest, sans conge le Roy. Coke l. 2. fol. 80.

Election.

Election est quant home est lalse a son Frank arbitermēt demesne, de p̄nder ou faire un chose ou autre, q̄ il voile. Come si A covenant d̄ payer al B un liver de Pepper ou Saffron devant Pentecost, est al Election de A tout temps devant Pentecost, q̄ de eux il voile payer; mes si ne ceo paya devant le dit Feast, donq̄s enapres est al Election de B p̄ aver son Action p̄ quel a luy pleist. Dyer f. 18. pl. 104.

Issint si hōe donee a un aut' son Chival ou Vache, le Donee pōit p̄der l'un ou l'aut'

a son *Election* : Mes si soit q̄ il *donera*, en le future temps, la le *Donce* ne poit prendre l'un ou l'auter, car donque l' *Election* est en le *Donor*.

21 H 7. 19.

Aux' si un Justice d Peace direct son Garrant a un Constable, ademesm le party attach devant luy ou aut Justice, est al *Election* del Constable, de al' a quel Justice que a luy pleist, *Coke l. 5 f. 59.* Et en mesme le maner est e plusors auters cases.

Elegit.

TENER per *Elegit* est, lou home ad recover Det ou Dammage p Bfe devers un auter p conuſance, ou en aut' maner, il avera deins l' an devers luy un Bfe judicial, noſme *Elegit*, daver Execution de moietie de tous ses Terres & Chattels, (except Boefs & Avers a la carue) tanque le Det ou Dammages soyent ousterment levies ou payes a luy; & durant cest terme il est *Tenant per Elegit*.

Sil soit ousta deins le t'me, il avera *Affise d Novel Disseisin*, & apres un *Redisseisin*, si besoigne soit; & cest done p r le Statute de *West. 2. c. 18.*

Et per l' equitie de mesme l' Statute, celuy q̄ ad t̄ Estate, fil soit ousta, avera *affise & Redisseisin*, si besoigne soit. Et

his *Election* : But if it be that he will give, in the future tense, then the *Donce* cannot take the one nor other, for then the *Election* is in the *Donor*. 21 H. 7. 19.

Also if a Justice of Peace direct his Warrant to a Constable, to bring the party apprehended before him or another Justice, it is in the *Election* of the Constable to go to what Justice he pleases, *Coke lib. 3. fol. 59.* And so in many other cases.

Elegit.

TO HOLD by *Elegit* is, where a man hath recovered Debt or Dammage by a Writ against another by confession, or in other manner, he shall have within the year against him a Writ judicial, called *Elegit*, to have execution of the half of all his Lands and Chattels, (except Oxen and Beasts of the plow) till the Debt and Dammages be wholly levied and paid him; and during this term he is *Tenant by Elegit*.

If he be put out within the term, he shall have *Writ of Novel Disseisin*, and after a *Redisseisin*, if need be; and this is given by the Statute of *Westm. 2. c. 18.*

And by the equity of the said Statute, he that hath this Estate, if he be put out, shall have *Writ and Redisseisin*, if need be.

And

And also if he make his Executors, and die, and his Executors enter, and after are put out, they shall have such Action as he himself. And if he be put out, and after make his Executors, and die, his Executors may enter; and, if they be stopped of their Entry, they shall have a Writ of Trespass upon their Case.

If he do Waste in all the Land, or parcel, the other shall have against him immediately a Writ judicial out of the first Record, called *Venire facias ad computandum*, by which it shall be enquired if he have levied all the money, or parcel; and if he have not levied the money, then it shall be enquired to how much the Waste amounts; and if the Waste amount but to parcel, then as much of the money as the Waste amounts unto shall be abridged of the aforesaid money which was to be levied. But if he have done more Waste then the aforesaid sum of money which was to be levied amounts to, the other shall be discharged forthwith of all the said money, and shall recover the Land. And for the superfluity of the Waste made above the said sum, he shall recover his damages single. The same Law is of his Executors, and of him that hath his Estate.

Or if the Debtor be satisfied by digging Coals, Lead, Tyn, or oether casual profits.

auxy fil face ses Executors, & devle, & ses Executors entrent, & puis soyent oustes, ils averont tiel Action come luy mesme. Mes fil soit ouste, & puis fait ses Executors, & devle, ses Executors puront enter; & s'ils soient esloppes de leur Entrie, ils averont un Bfe de Trespass sur leur Case.

Sil face Waste en tout le Tfe, ou en parcel, l'auter avera envers luy maintenant un Bfe judicial hors d le primer Record, appelle *Venire facias ad computandum*, per force de quel serra Inquise fil ad levie tous les deniers, ou parcel; & fil nad levie les deniers, donques serra Inquise a quant le Waste amount; & si le Waste amount si non a parcel, donques tants des deniers que le Waste amounte serra abridge de les susdits deniers queux fueront desre levies. Mes fil ad fait plus Waste q l'avantdit somme d' argent que sult estre levie amount, l'auter serra discharge maintenant de tous les deniers susdits, & recouvrera le Terre. Et p la superfluitie d Waste fait ouster le dit somme, il recouvrera ses dommages single. Mesme le Ley est de les Executors; & de cestoy que ad son Estate.

Ou si le Dettor soit sariesie p foder de Coals, Lead, Tyn, ou auters casual pfts.

Vide Stat. 32 H. 8. c. 5. Si tous les terres extend sont evict del Debtor p mieulx title, il poit prendre novel execution, Co. 4. Rep. 66.

Si alien e fee, ou a terme à vie, ou e taile, tout le Tfe ou parcel de le Tfe q il tient p *Elegit*, si l Alienatiō soit fait deins le terme ou apres, cestuy que ad droit avera vers luy un Assise de Novel Disseisin. Et covient que ils soient mis en l Assise ambideux, auxy-bien l Alienor come l Alienee : & non obstant que l Alienor devie maintenant, uncore cestuy que ad droit avera vers l Alienee solé Assise, cōe sil ust este son simple Tenant a term d ans. Et ceo est p l equite del Statute de West. 2. cap. 25. pur ceo que il ad forsque Chattel en effect. Et mesme l Ley est de ses Executors, & de cestuy que ad son Estate, cōe est susdit.

En *Elegit*, si le Viscount retourne que le partie avoir riens jour de la Recognissance fait, mes que il purchase Terres puis le temps ; adonq̃s le Plaintiff avera novel Bre de aver Execution de ceo. Mesme le Ley est sur un Statute-Merchant.

Après le *Fieri facias* un home poit aver le *Elegit*, mes non c. nt ; entant que *Elegit* est de plus hault nature que le *Fieri facias*.

Si home recover per Brie de Det & sue un *Fieri facias*,

See the Stat. 32 H. 8. c. 5. If all the Land extended be evicted from the Debtor by a better title he may take a new Execution, Co. 4. Rep. 66.

If he alien in fee, for term of life, or in tail, all or parcel of the Land which he holds by Elegit, if the Alienation be made within the term or after, he who hath right shall have against him an Assise of Novel Disseisin. And they both must be put in the Assise, the Alienor and the Alienee : and though the Alienor die presently, yet he who hath right shall have Assise against the Alienee alone, as if the Alienee had been a plain Tenant for term of years. And that is by the equity of the Statute of Westm 2. cap. 25. for that he hath but a Chattel in effect. And the same Law is of his Executors, and of him who hath his Estate, as is aforesaid.

In *Elegit*, if the Sheriff return that the party hath nothing the day of the Recognizance made, but that he purchased Lands after the time, then the Plaintiff shall have a new writ to have Execution thereof. The same Law is of a Statute-Merchant.

After a *Fieri facias* a man may have the *Elegit*, but not contrariwise ; for that the *Elegit* is of a higher nature then the *Fieri facias*.

If a man recover by a writ of Debt, and sue a *Fieri facias*, and the

the Sheriff return that the Defendant hath nothing whereof he may satisfy the Debt to the party; then the Plaintiff shall have *Elegit*, or *Capias* sicut alias, and a *Pluries*. And if the Sheriff return at the *Capias*, *Mitto vobis corpus*, and he have nothing whereof he may make satisfaction to the party, he shall be sent to the prison of the Fleet, and there abide untill he have made Agreement with the party: and if the Sheriff return *Non est inventus*, then there shall go forth an *Exigent* against him.

Note well, That in a *Writ* of Debt brought against a Parson, who hath nothing of Lay-fee, and the Sheriff returns that he may not be summoned; then shall the Plaintiff sue a *Writ* to the Bishop, to cause his Clerk to come, and the Bishop shall make him come by Sequestration of the Church.

And if a man bring a *Writ* of Debt, and recover, and make his Executors, and die; they shall not have Execution, notwithstanding it be within the year, by a *Fieri facias*.

There is another sort of *Elegit* upon adjudging execution against *Terr-tenants*, which *Elegits* recite the lands against which Execution is adjudged, and commands the Sheriff to deliver to the Creditor a moiety of those Lands, and nothing is therein mentioned of any Goods or Chattels as in the other *Elegits*.

& le Viscount return que le Defendant nad riens dont il poit faire Gree a le partie; donques le Plaintiff avera un *Elegit*, ou un *Capias* sicut alias, & *Pluries*. Et si Viscount retourne a le *Capias*, *Mitto vobis Corpus*, & il nad riens dont il poit faire gree al partie; il serra maund al gaole del Fleet, & il lonques demurre tanque il ad fait Gree al partie: & si le Viscount retourne *Non est inventus*, adonques issira l'*Exigent* envers luy.

Nora, Que en Brief de Det port devers Parson, q nad rien de Lay-fee, & le Viscount retourne que il nad riens per que il poit estre summoñ; adonques le Plaintiff suera Brief al Evesque, que il face venir son Clerk, & l'Evesq; luy serra venir per Sequestration del Elglise.

Et si home port Brief de Det, & recover, & face ses Executors, & devie; ils n'averont Execution, non obstant que il soit deins l'an, per un *Fieri facias*.

Est un autre sorte d'*Elegit* sur adjudgant d'execution envers *Terr-Tenants*, Quel *Elegit* recite les Terres envers queux execution est adjudge & maund al Viscount a delivrer al Creditor un moyety de ceux terres & rien en est mention des biens ou chateaux come en autres *Elegits*.

Elopement.

Elopement est, quant femme
esponse departa de son
baron ove un Adulterer, &
ove le Adulterer demurra,
sans voluntarie Reconcilement
a la baron, per ceo el perdra
sa Dower, per le Statute de
Westm. 2. cap. 34. Sur que
cest veil Verse,

*Sponte vtrum mulier fugiens,
& adultera facta,
Dote sua carit', nisi sponso
sponte retracta.*

Emblements.

Emblements sont les Profits
de Terre q̄ ad estz semy ;
& en ascuns cases cestuy
que ceo emblea eux avers, &
en ascuns nemy. come si Te-
nant pur vie emblea le Terre,
& apres morust, les Execu-
tors del Tenant pur vie avera
les Emblements, & nemy ce-
siuy en Reversion.

Mes si Tenant pur ans em-
blea le Terre, & devant que
il ad sever, son terme expire ;
ore le Lessor ou cestuy en Re-
version avera les Emblements.
Si un disseise moy, & succide
les Emblements cressans sur le
Terre, & puls jeo re-enter ;
jeo avera Action de Trespasse
vers luy pur les Emblements :
mes si mon Disseisor fait

Elopement.

Elopement is, when a marri-
ed woman departs from her
husband, and dwells with an
Adulterer, for which, without
voluntary reconciliation to her
husband, she shall lose her
Dower, by the Statute of West-
m. 2. cap. 34. Whereupon is this
old Verse,

(leaves,

The woman that her husband
And with Adultry is defil'd.
Her Dower she shall want, unless
She first to him be reconcil'd.

Emblements.

Emblements are the Profits
of the Land which have been
sowed; and in some cases he
who sowed them shall have
them, and in some not: as if
Tenant for life sow the Land,
and afterwards die, the Execu-
tors of the Tenant for life shall
have the Emblements, and not
he in Reversion.

But if Tenant for years sow
the Land, and before that he
hath reap'd his term expires ;
there the Lessor or he in Rever-
sion shall have the Emblea-
ments. If one disseises me, and
cuts the Emblements grow-
ing upon the Land, and after-
wards I re-enter ; I shall have
an Action of Trespasse against
him for the Emblements : but
if

if my Disseisor makes a Feoffment in fee, or leases the Land whereof he disseised me, and the Feoffee or Lessee takes the Emblements, and after I re-enter; I shall not have Trespass *Vi & armis* against them who come in by Title, but against my Disseisor. *Cok. lib. 11. f. 51.*

If a woman Copiholder, during her Widowhood, according to the Custome of the Mannor, sotos the Land, and before severance of the Emblements she takes a husband; the Lord shall have the Emblements. So if a woman seised of Land during her Widowhood makes a Lease for years, and the Lessee sotos the Land, and the woman takes a husband; there the Lessee shall not have the Emblements, although his Estate be determined by the act of a stranger.

And although it is commonly held in our Books, That if a man leases Lands at will, and after the Lessee sotos the Land, and then the Will is determined, that the Lessee shall have the Emblements; yet if the Lessee himself determines the Will before the severance of the Coyn, he shall not have the Emblements. *See Cok. lib. 5. fol. 116.*

Feoffment en fee, ou lessa le Terre dont il moy disseisist, & le Feoffee ou Lessee prist les Emblements, & puis jeo re-enter; jeo navera Tres-passe *Vi & armis* vers eux queux veignent eins per Title, mes vers mon Disseisor, *Cok. lib. 11. fol. 51.*

Si feme Copiholder, *durante Viduitate sua*, solonque le Custome del Mañor, emblea le Terr, & devant le severace des Emblements el prist baron; le Sür avera les Emblements. Issint si feme seisie de Terre *durante Viduitate* fait un Lease pur ans, & le Lessee emblea le Terre, & puis la fem prist baron; ore le Lessee navera les Emblements, coment que son Estate est determine p'l'act dun estranger.

Et n'iet obslât q̄ est communement tenuz ē nōst Livrs, Que si home lessa Terres a volunt, & puis le Lessee emblea le Terre, & puis le Volunt est determine, que le Lessee avera les Emblements; uncof si le Lessee luy mesme determine le Volunt devant le severance des Blees, il navera les Emblements. *Vcies Cok. lib. 5. fol. 116.*

Embrasour, or Embraceour.

Embrasour, ou Embraceour.

Embrasour, or Embraceour, is he that, when a matter is

Embrasour, ou Embraceour, est celuy que, quant un matter

mat' est e trial pent' pile & ptie, vient al Barre ove u dil pties, (ayant receve ascun Reward pur issint faire) & ple en le case, ou privint labor le Jurie, ou esloia la pur surveier ou surview eux, per cest meanes de mitter eux en pavor & dout del mat'. Mes hōes erudite e Ley polēt p-ler en le case p lour Cliēts.

in trial between party and party, comes to the Barre with one of the parties (having received some reward so to do) and speaks in the case, or privately labours the Jury, or stands there to surbey or oberlook them, thereby to put them in fear and doubt of the matter. But persons learned in the Law may speak in the case for their clients.

Emparlance.

Emparlance est, quant home esleant a responder al Action ou Suit, pria ascun temps de Respite, de luy mesme adviser le meux que il respondera: & nest aut' fors q Continuanee del Cause al un jour ouster.

Et coment le Plaintiff (en Banke le Roy) apres le Barre plede, ad jour de reply deux ou trois Termes aps; uncof nul mention serra fait en le Rolle dascun Emparlance ou Continuanee, mes l' Entry serra generalment, & emed desti mesm le Term. Mes autermt est de un Barre, car ceo containe l'Imparlance ou Continuanee, & est en tiel forme: *Et modo ad hunc diem, scilicet, diem Veneris &c. isto eodem Termino, usq; ad quem diem predictus A habuit licentiam interloquendi, &c.*

Emparlance.

Emparlance is, when a man being to answer to a Suit or Action, desires some time of Respite, to advise himself the better what he shall answer: and it is nothing else but a Continuance of the Cause untill a farther day.

And though the Plaintiff (in the Kings Bench) after the Barre pleaded, hath time to reply two or three Terms after; yet no mention shall be made in the Roll of any Emparlance or Continuance, but the Entry shall be general, and so intended to be the same Term. But it is otherwise with a Barre, for it contains the Emparlance or Continuance, and is in this manner: And now at this day, that is, Friday, &c in the same Term, untill which day the aforesaid A had licence to im-
parle, &c.

But

But there is no such Entry upon any Replication or Rejoinder. See Coke lib. 5. fol. 75.

Brit. cap. 53. uses this word for the Conference of a Jury upon the business to them committed. There is a special Imparllance also for a Defendant *salvis sibi omnibus & omnimodis exceptionibus ad breve & narrationem*, or ad billam which is of use where the Defendant is to plead some matters which cannot be pleaded after a general imparllance.

Enchefon.

Enchefon is a French word much used in our Law Books, as in the Statute of 50 E. 3. cap. 3 and it signifies as much as the Occasion, cause, or reason for which any thing is done. So it is used by Stamford, lib. 1. cap. 12. in his description of a Deadend.

Encroachment.

Encroachment comes from the French word *Acrocher*, that is, to Pull or draw to: And it signifies an Unlawfull gaining upon the right or possession of another. And so a Rent is said to be encroched, when the Lord by Distresse or otherwise compells the Tenant to pay more Rent then he ought, or then he

Mes nul tiel Entry est la fait sur aucun Replication ou Rejoinder. Veies *Coke lib. 5. fol. 75.*

Brit. cap. 53. usa cest pol pur le Conference dun Jurie sur le Cause a eux commise.

Est un special Imparllance auxi pur un Defendant *salvis sibi omnibus & omnimodis exceptionibus ad breve & narrationem*, ou ad billam, Quel est use lou le Defendant doit plede ascun matters queux ne polent estre plede puis general Imparllance.

Enchefon.

Enchefon est un pol Francoismult use & les Livres de nre Ley, cõe & le Statute 50 E. 3. cap. 3. & signifie tant come Occasion, cause, ou reason pur que ascun chose est fait. Issint est use p Stamford, lib. 1. cap. 12. en son description dun Deadend.

Encroachment.

Encroachment venust d'i parol Franco's *Acrocher*, id est, Apprehendere: Et signifie un Illoyal gainer sur le droit ou possession dun aut. Et issint un Rent est dit estre encrach, qat le Sñr per coercion del Distresse ou auterment compel le Tenant pur paier plus Rent que besoigne, ou que doit.

doit. *Veies Bucknal's Case, 9 Rep. fol. 33.* Il s'ent quant home mist son Hay ou Mure en le terre son vicine que gist prochein a luy, il est dit pur *incrocher* sur luy.

need. *See Bucknal's Case, 9 Rep. fol. 33.* So when a man sees his Hedge or his Wall too far into the land or ground of his neighbour that lies next him, he is said to *incroach* upon him.

Enditement.

Enditement, or Indictment.

Enditement venust del *Francois Enditer*, id est, Indicare. Et est un Bill ou Declaration en forme del Ley, exhibit p voy del Accusatiō vers hōc pur ascun Offence ou criminal ou penall, & preferre as Jurors, & per lour Verdict trove & presentus desire voyer devant ū Judge ou Officer que ad poyar de punier ou certifier l'Offence.

Indictment comes of the French *Enditer*, that is, to set a man out as he is. And it is a Bill or Declaration in form of Law, exhibited by way of Accusation against one for some offence either criminal or penal, and preferred to Jurors, and by their Verdict found and presented to be true before a Judge or Officer that hath power to punish or certify the Offence.

Endowment.

Endowment.

Endowment (*Dotatio*) signifie properment le Doner ou assurer del Dower al fem. Mes est ascun fois use p un Metaphor pur le Mitter hors ou severance dun suffisient part ou portion al un Vicar pur son perpetual maintenance, quant le Benefice est approprié. Et issint est use en les Statutes 15 R. 2. cap. 6. & 4 H. 4. cap. 12.

Endowment (*Dotatio*) signifies properly the Giving or assuring of Dower to a woman. But it is sometimes by a Metaphor used for the setting out or severing of a sufficient part or portion to a Vicar for his perpetual maintenance, when the Benefice is appropriated. And so it is used in the Statutes of 15 R. 2. cap. 6. and 4 H. 4. cap. 12.

Endow-

**Endowment de la pluis
belle part.**

**Endowment de la pluis
belle part.**

Endowment de la, &c. is, when a man dies seised of some Lands held in Knights-service and others in Socage, the Widow is sped of her Dower rather in the Socage-Lands, as the fairest part. Of this see Littl. lib. 1. cap. 5.

Endowment de la, &c. est, quant un homme morust seise de ascun Terres rien en Chivalry & de auters à Socage, la Vidue est accōmode de sō Dower à les Trs tien en Socage, come le pluis belle part. Veles Littl. lib. 1. cap. 5.

Enfranchisement.

Enfranchisement.

Enfranchisement is, when a man is incorporated into any Society or Body politick. So if an Alien born be made Denizon of England, he is said to be enfranchised; and he that is made a Citizen of London, or other Town Corporate; because he is made partaker of those Liberties which belong to the Corporation whereinto he is enfranchised.

Enfranchisement est, quant hoc est incorporate à ascun Societie ou Corps politiq. If sint si Alien nee soit fait Denison d Angletierre, il est dit deslire enfranchise; & cestuy q est fait un Citizē de Londres, ou au' Ville Corporate; pur ceo que il est fait pñour de ceux Franchises queux appent al Corporation en que il est enfranchise.

And when a man is enfranchised into a City or Borough, he hath a Free-hold in his Freedom for his life, and with others in their politick capacity, hath Inheritance in the Land of the said Corporation: wherefore the thing which shall be the cause of his Dis-enfranchisement ought to be an Act or Deed, and not only an Endeavouring or enterprising, whereof he may repent before it be put in execution. And what shall

Et quant home est enfranchise à un Citie ou Borough, il ad Frank-tenement en son Freedom pur son vie, & ove auters en leur politique capacite, ad Enheritance en les Terres del dit Corporation: pur que le matter que serra cause d son Dis-enfranchisement covient estre un Act ou fait, & nemy Conarion ou enterprise, dont il poie repent devant l'Execucion d ceo. Et que serra sufficient cause

cause de dis-infranchiser un Frank home, & que nemy, veies *Cok. lib. 11. en Bagg's Case, fol. 98.*

be sufficient cause to dis-infranchise a free-man, and what not, see *Cok. lib. 11. in Bagg's Case, fol. 98.*

Englesherie.

Englesherie, ou Engleterie, est un veill parol, q̄ riens aut' imply forsq; desl' ū home Anglois: Car en aunciēnt tēps, come appliert p *Bracton, lib. 3. Tract. 2. cap. 15. fol. 134.* si ū home ad este tue ou murdre il fult account desl' *Francigena*; quel pol emplia chesc' Alien, jesque *Englesherie* fult prove, ceo est, jesq; il fult fait manifest que il fult un home Anglois: Le commencement de quel fult ciel:

Kanutus, le Roy des *Danes*, ayant establie son Estate cy en peace, al prier de nostre Barons discharga le Terre de ses Armies, en que il reposa son greinder safetrie, sur cest condition, Que les Barons voient donner consent a un Lev, Que quecubque tuera un Alien, & fult attrache, & ne puit luy melsm acquirer, serroit subiect al Justice: Mes si le Homicide escapa, le Ville ou le home fult occide forseltera 66. Merques al Roy: & si le Ville ne fult able de ceo paier, donque le Hundred forseltera & paiera ceo al Trea ure le Roy: & oulier, Que chescun home murdre

Englesherie.

Englesherie, or Engleterie, is an old word, which signifies the being an Englishman: For in ancient time, as appears by *Bracton lib. 3. Tract. 2. cap. 15. fol. 134.* if a man had been slain or murdered, he was accounted to be *Francigena*; which word implies every Alien, until *Englesherie* were proved, that is, until it was made manifest that he was an Englishman: The original whereof was this:

Kanutus, the Danish King, having established his Estate here in peace, at the request of our Barons, discharged the Land of his Armies, wherein he reposed his greatest safety, upon this condition, That the Barons would give consent to a Law, That whosoever should kill an Alien, and was apprehended, and could not acquit himself, should be liable to Justice: But if the Man-slayer escaped, the Town where the man was slain should forfeit sixty six Marks to the King; and if the Town was not able to pay it, then the Hundred should forfeit and pay this to the King's own Treasury: and farther, That every man murdered

thered should be accounted *Francigena*, unless *Englesherie* were proved; and how it should be proved, see *Bracton* in the same chap. num. 7. Also see *Horn's Mirror of Justices*, l. 1. cap. of the Office of Coroners, and *Fleta*, l. 1. c. 30. This *Englesherie*, for the abuses and grievances which were afterwards perceived to arise therefrom, was utterly abolished by Stat. An. 14 E. 3. c. 4. See *Coke*, l. 7. f. 16. *Calvin's Case*.

serroit account *Francigena*, sinon que *Englesherie* fuit prove; & coment il serroit pve, veles *Bracton* e mesme le chap. num. 7. Aux' veles *Horn's Mirror de Justices*, l. 1. cap. dl Office del Coroner, & *Fleta*, l. 1. c. 30. Cest *Englesherie*, p les abuses & torts q fuerot enaspa pceive a surd d'eeo, fuit tout ousterment abolish p Statute Anno 14. E. 3. c. 4. Veles *Coke*, l. 7. f. 16. *Calvins Case*.

Enheritance.

ENheritance is such Estate in Lands or Tenements, or other things, as may be inherited by the Heir; whether it be estate in Fee-simple, or Tail by Descent from any of his Ancestors, or by his own Purchase.

And it is divided into Enheritance Corporate, and Enheritance Incorporeate.

Enheritance Corporate are Mesuages, Lands, Meadows, Pastures, Rents, and such like, that have substance in themselves, and may continue always: And these are called Corporal things.

Enheritance Incorporeate are Advowsons, Villains, Ways, Commons, Courts, Fishings, and such like, that are or may be appendant or appurtenant to Enheritance Incorporeate.

Enheritance.

ENheritance est tiel Estate en Ties ou Tenements, ou autres choses, q poet estre inherit p le Heir; soit ceo d'Estate e Fee-simple, ou Taille, p Descet d'asc' d ses Ancest', ou p son Purchase demesne.

Et est divide en Enheritance Corporate, & Enheritance Incorporeate.

Enheritance Corporate sont Mesuages, Terres, Prees, Pastures, Rents, & tiels semblables, que ont substance en eux mesmes, & point continuer tout temps: Et ceux sont appel choses Corporal.

Enheritance Incorporeate sont Advowsons, Velleines, Ways, Common, Courts, Piscaries, & tiels semblables, q sont ou poient estre appendant ou appurtenant al Enheritance Incorporeate.

Enitia.

Enitia pars.

Enitia aut Einecia pars est ceo Part que, sur Partiti-
on enter Coparceners, eschue
al eigne Soer ou eigne Co-
parcener, cōe appliert p Lit-
tleton, sect. 245. Est appeile
Enitia pars del parol *Francois*
Eigne ou Aigne, id est, *Primo-*
genitus.

Enquest.

Enquest est ceo Inquirie q̄
est fait p Jurors en tous
Causēs civil ou criminal tou-
chant le matter en fait. Et
tiel Enquest est ascun foits *ex*
officio, queux sont appels
Enquests d'Office & sont traver-
sable, & ascun foits *ex prece*
partium. Cest parol est use
en les Statutes de 25 E. 3. c. 3.
28 E. 3. c. 13. & fere en tous
Statutes queux parlent des
Trials per Jurors.

Entendment.

Entendment est un common
parol en nre Ley, quant
ascun chose est en aurst,
donque p *Entendment* il serra
ascun foits fait bone. Come si
Inquisitiō soit trove devant le
Coroner, q̄ un hōe suit mur-
dre al A, q̄ est un Franchise,
& nest dit en le Inquisition al

The Eldest part.

Enitia or Einecia pars is that
Part which, upon Partition
among Coparceners, falls to the
Eldest Sister or ancientest Co-
parcener, as it appears by Lit-
tleton, sect. 245. And it is called
Enitia pars from the French word
Eigne or Aigne, that is, the first-
born.

Enquest.

Enquest is that Inquiry
which is made by Jurors in
all Causes civil or criminal
touching the matter in fact.
And such Inquiry is either *ex*
officio, which are called Inquests
of Office and are traversable,
or at the mile of the par-
ties. This word is used in the
Statutes of 25 E. 3. c. 3. 28 E. 3.
c. 13. and almost in all Sta-
tutes that speak of Trials by
Jurors.

Entendment.

Entendment is an usual word
in our Law, when a thing
is in doubt, then by Entendment
it shall sometimes be made
good. As if an Inquisition be
found before a Coroner, that a
man was murdered at A. which
is a Liberty, and is not said
in the Inquisition at A within
the

the Liberty of A, yet it shall be good by Entendment; for peradventure the Liberty may extend beyond the Town, but that the Town it self shall be presumed to be out of the Liberty of the Town, is a captious construction: wherefore the Inquisition shall be good by Entendment. Coke, l. 5. f. 121. See Kirch. l. 224.

A deins le Franchise de A, uncore ceo serra bone p Entendment; car: peradventure le Franchise poit extend ouster le Ville, mes q̄ le Ville mesm serra presume desfre hors del Franchise dī Ville, est ū capitious construction: p̄ q̄ l'Inquisition serra bone per Entendment. Coke l. 5. f. 121. Veles Kirch. f. 224.

Enterpleader.

Enterpleader is, when in any Cause a matter happens which of necessity ought to be discussed before the principal Cause can be determined: For example, Two persons be found Heir to Land by two severat Offices in one County, by this the King is in doubt to whom he shall make Libery, for which cause, before Libery made, he will have them interplead, and thereby determine who is the right Heir. See Coke, l. 7. f. 45. Stam. Prer. c. 19. Brooke, tit. Enterpleader.

Also there is another sort of Interpleader in Detinue in divers cases, which see Rash. Entries 213.

Entire Tenancie.

Entire Tenancie is that which is contrary to Several Tenancy, and signifies a Sole possession in one man, where the

Enterpleader.

Enterpleader est, quant en aucun Cause un chose eschia q̄ de necessite doit estre discusse devāt le principal Cause poit estre determine: Par example, Deux p̄sons sont trove Heir al Tfe p̄ deux severat Offices en un Countie, p̄ ceo le Roy est en aurst a q̄ il serra Liverie, p̄ quel cause, devant q̄ Liverie soit fait, il voille eux aver enterpleader, & p̄ ceo determine que est le droit Heir. Veles Coke l. 7. f. 45. Stam. Prer. c. 19. Brooke, tit. Enterpleader.

Auxi est un auter sort: de Enterpleader en detinue en diverse cases queux veies en Rash. Entr. 213.

Entire Tenancie.

Entire Tenancie est ceo que est contrarie al Several Tenancie, & imple un Sole possession en un hōe, ou laut^r im-

impla Joynt ou common en plusors. Veies *Brooke, Several Tenancy*, & le Vell Livre de *En ritt*, south cest Title.

other signifies Joynt or common in more. See *Brooke, Several Tenancies*, and the *Old Book of Entries*, under this Title.

Entre.

Entre est, lou un home enter en ascun T'res ou Tenements, ou prist possession d'eux.

Auxy sont divers B'ses d'Entre quex sont en divers manners. Un est B're d'Entre sur Disseisin, que gist lou home est disseise, il ou son Heir l'avant dit Brief avera vers meisme le Disseisor, ou asc' auter apres Tenant del Terre. Et si le Disseisor alien, ou devie seisie, donques le B're d'Entre serra vers l'Heir ovesq' l'Alience & le Per; cest adire, & q' le Tenant non habet Ingressum nisi per tiel, n'osmant le Disseisor, q' luy avoit disseise, &c.

Si l'Heir ou Alience devie seisie, ou aliena al auter, donques le B're serra en le Per & Cui; cest adire, en q' le Tenant non habet Ingressum nisi per tiel (nosmant l'Heire ou l'Alience del Disseisor) cui tiel (nosmant le Disseisor) il dimisit, q' luy p'ort disseise, &c.

Et si T're soit convey ouster al plusors, ou si le primer Disseisor soit disseise, donqs le B're d'Entre serra & le Post; cest adire, q' le Tenant non

Entrie.

Entrie is, where a man enters into any Lands or Tenements, or takes possession of them.

Also there are divers Writs of Entry which are in divers manners. One is a Writ of Entry sur Disseisin, which lies where a man is disseised, he or his Heir shall have this Writ against the Disseisor, or any other after Tenant of the Land. And if the Disseisor alien, and die seised, then the Writ of Entry shall be against the Heir and the Alience in the Per; viz. in which the Tenant hath no Entry but by such a one, naming the Disseisor, who him hath disseised, &c.

If the Heir or Alience die seised, or alien to another, then the Writ shall be in the Per and Cui; viz. to which the Tenant hath no Entry but by such a one, naming the Heir or Alience of the Disseisor, to whom such a one (naming the Disseisor) did let it, who by force disseised him, &c.

And if Land be conveyed over to many, or if the first Disseisor be disseised, then the Writ of Entry shall be in the Post; viz. that the Tenant hath no Entry but

but after the Disseisin, which the first Disseisor made to the Demandant or his Ancestors. See Entre en le Per.

habet Ingressum nisi post Disseisinam, quel le prim Disseisor fait al Demandant ou son Ancestor. Veies Entre en le Per.

Entrie in the Per, Cui,
and Post.

Entre en le Per, Cui
& Post.

A Writ of Entrie in the Per lies where a man is disseised of his free-hold, and the Disseisor aliens, or dies seised, and his Heir enters, then the Disseisee or his Heir shall have the said Writ against the Heir of the Disseisor, or against the Alienee of the Disseisor; but living the Disseisor, he may have an Assise, if he will, and the Writ of Entry shall say, *In quod A non habet Ingressum nisi per B, qui illud ei dimisit, qui inde eum injuste disseisivit, &c.* But if the Disseisor alien, and the Alienee dies seised, or aliens over to another, or if the Disseisor dies, and his Heir enters, and that Heir aliens or dies, and his Heir enters; then the Disseisee or his Heir shall have a Writ of Entre sur Disseisin in the Per and Cui, and the Writ shall say, *In quod idem A non habet Ingressum nisi per B cui C illud ei dimisit, qui inde injuste, &c.*

A Writ of Entry in the Per and Cui shall be maintainable against none, but where the Tenant is in by Purchase or Descent: For if the Alienation or Descent be put out of the Degrees, upon which no Writ may

Brief d'Entre en le Per gist lou hōe est disseise d son Frank-tenement, & le Disseisor alien, ou devle seise, & son Heire entra, donques le Disseisee ou son Heir avera le dit Bfe vers l'Heire le Disseisor, ou vers l'Alienee le Disseisor; mes vivant le Disseisor, il poit aver Assise, si il volle, & le Bfe d'Entre dirra, *In quod A non habet Ingressum nisi per B, qui illud ei dimisit, qui inde eum injuste disseisivit, &c.* Mes si le Disseisor alien, & l'Alienee devle seise, ou alien ouster a un aut', ou si le Disseisor devle, & son Heire entra, & celuy Heire aliena ou devle, & son Heire entra; Donques le Disseisee ou son Heire avera Bfe d'Entre sur Disseisin en le Per & Cui, & le Bfe dirra, *In quod idem A non habet Ingressum nisi per B, cui C illud ei dimisit, & inde injuste, &c.*

Brief d'Entre en le Per & Cui serra maintainable vers nulluy, me lou le Tenant soit eins p Purchase ou per Descent: Car si l'Alienation ou Descent soit devenus hors des Degrees, sur quel nul Bfe
Z poit

poit estre fait en le Per, ne en le Per & Cui, donques terra fait ē le Post, & le Bfe dirra, *In quod A non habet Ingressum nisi post Disceissinam, quam B inde injuste, & sine iudicio fecit pref. N. vel M. proavo N. cujus heres ipse est.*

Auxy sont cinque choses q̄ mitront le Bfe d'Entrie hors des Degrees; cest adire, Intrusion, Succession, Disceissin sur Disceissin, Judgment, ou Escheat.

1. *Intrusion* est, quant le Disceisor d'vie seiscie, & un estranger abata.

2. *Disceissin sur Disceissin* est, quant le Disceisor est Disceisie, p̄ u aut.

3. *Succession* est, lou le Disceisor est un home de Religion, & devie, ou est depose, & son Successor entra.

4. *Judgment* est, quant un recover vers le Disceisor

5. *Escheat* est, quant le Disceisor devie sans Heire, ou fait Felonie, per q̄ il est attaint, p̄ q̄ le Seignior entra come ē son Escheat.

En tous ceux cases le Disceisie ou son Heire navera Brief d'Entrie deins les degrees ē le Per, mes en le Post, p̄ ceo q̄ en ceux cases ils ne sont eins per Discent, ne per Purchase.

be made in the Per, or in the Per and Cui, then it shall be made in the Post, and the Writ shall say, *In quod A non habet Ingressum nisi Post Disceissinam quam B inde injuste & sine iudicio fecit pref. t. N. vel M. proavo N. cujus haeres ipse est.*

Also there are five things which put the Writ of Entrie out of the Degrees; viz. *Intrusion, Succession, Disceissin upon Disceissin, Judgment, and Escheat.*

1. *Intrusion* is, when the Disceisor dies seised, and a stranger abates.

2. *Disceissin upon Disceissin* is, when the Disceisor is disceised by another.

3. *Succession* is, when the Disceisor is a man of Religion, and dies, or is deposed, and his Successor enters.

4. *Judgment* is, when one recovers against the Disceisor.

5. *Escheat* is, when the Disceisor dies without Heir, or doth Felony, whereby he is attaint, by which the Lord enters as in his Escheat.

In all these cases the Disceisor or his Heir shall not have a Writ of Entrie within the degrees of the Per, but in the Post, because in those cases they are not in by Discent, nor by Purchase.

Entrie ad Communem
Legem.

Also there is a Writ of Entrie ad Communem Legem, which lies where Tenant for term of life, Tenant for term of anothers life, Tenant by the curtesie, or Tenant in Dower, alien and dies; he in the Reversion shall have this Writ against whomsoever is in after in the Tenement.

Entrie in the Case provided.

A Writ of Entrie in Casu proviso lies, if Tenant in Dower alien in fee, or for term of life, or for anothers life, living the Tenant in Dower; he in the Reversion shall have this Writ, which is provided by the Stat. of Glouc. c. 7.

Entrie in Casu consi-
mili.

A Writ of Entrie in Casu consimili, lies where Tenant for life or Tenant by the curtesie, alien in fee; he in Reversion shall have this Writ, by the Statute of Westmin. 2. cap. 24.

Entre ad Communem
Legem.

Auxy il y ad un Brief del *Entre ad Communem Legem*, & gift lou Tenant a terme de vie, Tenant a terme d'auter vie, Tenant p le curtesie, ou Tenant en Dower, alien & devie; celuy en le Reversion avera cest Bre devers quecunque q solteins apres en le Tenement.

Entre en Casu proviso.

Brief d' *Entre en casu proviso* gift, si Tenant en Dower alien en Fee, ou p terme de vie, ou p aut' vie, vivant le Tenant en Dower; celuy en le Reversion avera cest Bre, q est purview p le Statute de Glouc. c. 7.

Entre in Casu consi-
mili.

Brief de *Entre in casu consimili* gift, si Tenant pur vie ou Tenant pur la curtesie alien en Fee; celuy en le Reversion avera cest Brief per l'Stat. de West. 2. cap. 24.

*Entre ad terminum
qui præteriit.*

Brief de *Entrie ad terminum qui præteriit* gist, si un home lessa Terres a un autre pur terme de ans, & le Tenant tient ouster son terme; le Lessor avera cest Brief.

Et si Terres sont lessées a un home p^r terme d'aut^r vie, & cestuy p^r que vie les Terres sont lessées devie, & le Lessee tient ouster; donques le Lessor avera cest Brief.

*Entre sine Assensu
Capituli.*

Brief de *Entre sine Assensu Capituli* gist lou un Abbe, Prior, ou riel que ad Covent ou common Seal, aliena Terres ou Tenements del droit de son Eglise, sans le Assent del Covent ou Chapter, & devie; donques son Successor avera cest Brief.

*Entre causa Matrimonii
præloquuti.*

Brief de *Entre causa Matrimonii præloquuti* gist ou Terres ou Tenements sont done a un home sur condition, que il prendra la

*Entrie ad Terminum qui
præteriit.*

The Writ of *Entrie ad terminum qui præteriit*, lies where a man leases Land to another for term of years, and the Tenant holds over his term; the Lessor shall have this Writ.

And if Lands be leased to a Man for term of anothers life, and he for whose life the Lands are leased dies, and the Lessee holds over; then the Lessor shall have this Writ.

*Entrie without Assent
of the Chapter.*

A Writ of *Entrie sine Assensu Capituli* lies where an Abbot, Prior, or such as hath Covent or common Seal, aliens Lands or Tenements of the right of his Church, without the Assent of the Covent or Chapter, and dies; then the Successor shall have this Writ.

*Entrie for Marriage in
Speech.*

A Writ of *Entrie causa Matrimonii præloquuti* lies where Lands or Tenements are given to a man upon Condition, that he shall take the Donor to his wife

wife within a certain time, and he does not espouse her within the said term, or espouses another woman, or makes himself Priest, or enters in Religion, or disables himself so that he cannot take her, according to the said Condition; then the Donor and her Heirs shall have the said Writ against him, or against whosoever is in the said Land. But this Condition must be made by Indenture, otherwise this Writ doth not lie. And all these, and other Writs of Entry, may be made in the Per, Cui, and Post.

Donour a la feme deins certain temps, & il ne luy espousa deins la dit temps, ou espouse aut' feme, ou luy fait Priestre, ou enter en Religion, ou luy disable issint que il ne puit luy prender, accordant a le dit Condition; donques la feme Donour & ses Heirs avera le dit Brief vers lui, ou vers quecunque est eins en le dit Terre. Mes cest Condition doit estre fait per Endenture, autrement cest Brief ne gist. Et tous ceux & auters Briefs d'Entry poient estre fait en le Per, Cui, & Post.

Entrusion.

ENTRUSION, is a Writ that lies where a Tenant for Life dies seised of certain Lands or tenements, and a Stranger enters; he in the Reversion shall have this writ against the Abator, or whosoever is in after their Entrusion.

Also a writ of Entrusion shall be maintainable by the Successor of an Abbot against the Abator, who shall enter in Lands or tenements in the time of Vacacion that belong to the Church, by the Statute of Marlebridge, the last Chapter.

And it seems the difference between an Intruder and an Abator is this; that an Abator is he that enters into Lands

Entrusion.

ENTRUSION est un Brief que gist lon Tenant pur vie devie seise de certain Terres ou Tenements, & un Estranger entra; celui en la Reversion avera cest Brief vers l'Abator, ou quecunque que soit eins apres leur Entrusion.

Auxy un Brief de Entrusion serra maintainable pur le Successor de un Abbe vers l'Abator, que enter en alcun Terres ou Tenements *Tempore vacationis* que appent a la Eglise, per le Statute de Marlebridge, cap. ultimo.

Et il semble que le difference perenter un Entruder & un Abator est en ceo; Que un Abator est celui que entra

tra en Terres void per le mort de un Tenant en Fee, & un *Entrudor* est celuy que entra en Terres void per le mort de un Tenant ꝑ vie ou ans. *Veies F.N.B. fol. 203.*

void by the death of a Tenant in Fee, and an Intruder is he that enters into Lands void by the death of a Tenant for Life or Years. *See F. N. B. fol. 203.*

Entrusion de Gard.

Entrusion de Gard, est un Brief que gist ou le Heir deins age entra en ses Terres, & tient hors son Seigneur; car en tel cas le Seigneur n'aura le Brief de *communi Custodia*, mes cest Brief de Entrusion d Gard. *Phil-N. B. fol. 90.*

Entrusion de Gard.

Entrusion de Gard, is a Writ which lies where the Heir within age enters in his Lands, and holds out his Lord; for in such case the Lord shall not have the Writ de *Communi Custodia*, but this Writ of Entrusion of the Ward. *Old N. B.*

Enure.

Enure signifie Prendre place ou effect, estre available. Come un Release *enure* per voy d'Extinguishment. *Lit. Ca. Release.*

Enure.

Enure signifies to take place or effect, to be available. As a Release shall enure by way of Extinguishment. *Lit. Cha. Release.*

Equitie.

Equitie est en deux manieres, & ceux de contraire effects; car un abridge & tol le letter del Ley, l'auter enlarge, & adde a co.

Le primer est issint define; *Equitas est Correctio Legis generalim lata qua parte deficit*; le quel Correction del general pils est mult use en nre

Equity.

Equity is in two sorts, and those of contrary effects; for the one doth abridge and take from the letter of the Law, the other doth enlarge and add thereto.

The first is thus defined; *Equity* is the Correction of a Law, generally made in that part wherein it fails; which correction of the general words is much used in
ous

our Law. As for example, When an Act of Parliament is made, that whosoever doth such a thing shall be a Felon, and shall suffer death; yet if a Mad-man or an Infant that hath no discretion do the same they shall be no Felons, nor suffer death therfore.

Also if a Statute were made, That all persons that shall receive, or give meat and drink, or other succor to any that shall do any such thing, shall be accessory to his Offence, and shall suffer death, if they knew of the fact; yet one doth such an act, and comes to his wife, who knowing thereof doth receive him, and gives him meat and drink, she shall not be Accessary nor Felon; for by the generality of the said words, neither the Mad-man, Infant nor Wife, were included in the intent of the Law.

And thus Equity doth correct the generality of the Law in those cases, and the general words are by Equity abridged.

The other Equity is defined to be an Extension of the words of the Law to Cases unexpressed, yet having the same reason. So that when the words enact one thing, they enact all other things that are of like degree. As the Statute which ordains, That in an Action of Debt against Executors, he that doth appear by Distress shall answer, doth extend by Equity to Administrators; for such of

Ley. Sicome pur exemples Quant Act de Parliament est fait, quecunq; q̄ fait tiel act serra Felon, & serra mise al mort; uncof si hom̄ de Non sane memorie ou Enfant que nad discretion le fait, i s ne serront Felons, ne mise al mort.

Auxy si Statute soit fait, Que tous persons que receiveront, ou doneront maunger ou boyer ou aut' aid a cestuy que fera tiel act, serront accessory a son Offence, & seront mise al mort, si ils connuleront del fait; uncof l'un fait tiel act, & veigne a sa prop' senn, q̄ sciāt ceo luy receive, & done maunger & boyer a luy; el ne serra Accessary, ne Felon; car p le generalitie d les dits parols cestuy de Non sane memorie, Enfant, ne seme fueront enclude en Entent de Ley.

Et issint *Equitie* correct le generalitie del Ley ē ceux cases, & les parols generals sōt p *Equitie* abridge.

Laut' *Equitie* est defini estre un. *Extension des parols de la Ley al Casis non exprimez, ayant neantmoins la mesme raison.* Ainsi q̄nt les parols enact un chose, ils enact tous choses que sont ē semblables degrees. Sicōe le Statute que ordeigne, Que en Action de Det vers Executors, cestuy que vient per Distresse respondera, extendra per *Equite* al Administratours; car cestuy de

Cux que vient primes p Distresse, respondera per Equitie del dit Act; quia sunt in equali genere.

Issint le Statute de Gloucester done l'Action de Waste & le Punishment de ceo vers cestuy que tient pur vie ou ans; & per l'Equitie de ceo home avera Action de Waste vers cestuy que tient forsque pur un an ou demy an, uncore ceo est hors del parols del Statute; car cestuy que tient forsque pur demy an ou un an, ne tient pur ans; mes ceo est l'entent, & les parol: quel enact l'un, per Equitie enacteront l'auter,

them as appear first by Distress, shall answer by Equity of the said Act; because they are of the like kind.

So likewise the Statutes of Gloucester gives the Action of Waste, and the Penalty of it against him that holds for Life or Years; and by the Equity thereof a man shall have an Action of Waste against him that holds but for one year or half a year, yet this is without the words of the Statute; for he that holds but for half a year or one year, doth not hold for years; but that is the meaning, and the words that Enact the one, by Equity Enact the other,

Errant.

ERRANT, id est, *Intinerans*, venist del parol *Francois* *Eyer*, id est, *Errare*, ou del vieux parol *Erre*, id est, *Iter*; & est appropriate as Justices que alont en Circuit, & as Bailies a large, que pur ceo sunt appelle *Justices Errants*, & *Bailies Errants*, eo q̄ ils alont & travaillent del un lieu al autre, l'un pur faire Justice, & autre per executer Proces. Veles *Eire*.

Error.

ERROR est un Fau't en un Judgment, ou en le Pro-

Errant.

ERRANT, id est, *Itinerans*, comes from the French word *Error*, id est, *Errare*, or if the old word *Erre*, id est, *Iter*; and is appropriated unto Justices that go Circuit, and to the Bailiffs at large, who are therefore called Justices Errants, and Bailiffs Errants, because they go and travel from place to place, the one to do Justice, and the other to execute Process. See *Eire*.

Error.

ERROR is a fault in Judgment, or in the Process, or

Proceeding to Judgment, or in the Execution upon the same in a Court of Record; which in the Civil Law is called, a Nullitie. Error is also the name of a Writ that lies where Judgment is given in the Common place, or before the Justice in Assise, or Oyer and Terminer, or before the Mayor and Sheriffs of London, or in other Court of Record, against the Law, or upon undue and ill Process; then the party grieved shall have this Writ, and thereupon cause the Record and Process to be removed before the Justices of the Kings Bench, and if the Error be found, it shall be reversed. But if an erroneous Judgment be given in the Kings Bench, then it could not be reversed but by Parliament, until the Statute of 27 Eliz. cap. 8.

Also if such a Default in Judgment be given in a Court not of Record, as in a County, Hundred, or Court-Baron, the party shall have a Writ of False Judgment, to cause the Record to be brought before a Justice of the Common-place. Also if Error be found in the Exchequer, it shall be redressed by the Chancellor and Treasurer, as it appears by the Statute E. 3. an. 31. c. 12. & 31 El. c. 1.

Also there is another Writ of Error upon a Judgment in the Kings Bench; and that is, where the Plaintiff assign matter of Fact for Error: And this lies

cestie ou Proceeding al Judgment, ou à Execution sur ceo en Court de Record; quel Fault en le Civil Ley est appelū Nullitie. Auxy Error est le nosm dū Brief, & gist lou Judgment est doñ ē le Common Banke, ou devant Justice en Assise, ou devant Justice de Oyer & Terminer, ou devāt le Maior ou Vlscoūt de Londres, ou en aut' Court de Record, contra le Ley, ou sur undue ou male Proces; donques le pie grieve avera cel Brief, & p ceo causera le Record & Proces deslī remove devāt les Justices de Bank le Roy; & la sil Error soit trouve, il serra reverse. Mes si erroneous Judgment soit done en Bank le Roy, donques il ne poit este reverse forsque per Parllament, ranque le Statute 27 Eliz. cap. 8.

Auxy si tiel Default soit en Judgment doñ ē Court q nest de Record, com en Countie, Hundred, ou Court-Baron, donque le pie avera Brief de Faux Judgment, pur faire le Record vener devant Justice de Common Bank. Auxy si Error soit trouve en l'Exchequer, il serra redresse per le Chancellor & Treasurer, ut patet p Statute Ed. 3. an. 31. c. 12 & 31 Eliz. c. 1.

Est auxi un aut' breif d'error sur Judgment en Bank le Roy: Et cest ou le Plaintiff voll assigne matter ē fait pur Error. Et c gist ē mesme le Court car cest

cest Court poit redress leur errors ē fait (mes nemy leur leur Errors en ley) mes le Court de Com. B. ne poit issint fair.

in the same Court, for this Court can redress their Errors in fact, (but not their errors in Law) But the Court of common B. cannot do so.

Escape.

Escape est, lou un que est arrest deveigne a son liberty devant que il soit delivrer p Agard de ascū Justice, ou p order de Ley.

Escape est en deux sorts; voluntarie & negligent.

Voluntarie Escape est, qnt un arrest auter pur Felonie ou auter crime, & puis celuy en que custodie il soit luy lesser aler lou il voit.

Et si l'Arrest sult pur Felonie, ceo serra dit Felonie ē cestuy que luy lesser d'escaper; si pur Treason, il serra Treason en luy; & si pur un Trespasse, donque Trespasse; & sic de singulis.

Quant un est arrest, & puis escape encounter le volunt de cestuy que luy arrest, & ne soit freshment pursuē, & reprise devant que le pursuor perdra le view de luy; ceo serra dit *negligent Escape*, non obstant que cestuy hors de que possession il escape luy reprist apres le view perdu. Aux y si un soit arrest, & puis escape, & est a son libertie, & cestuy en que garde il fuist luy reprise apres, & luy a-

Escape.

Escape is, where one that is arrested comes to his liberty before he be delivered by Ward of any Justice, or by order of Law.

Escape is in two sorts; voluntary, and negligent.

Voluntary Escape is, when one doth arrest another for Felony or other Crime, and after he in whose custody he is lets him go where he will.

And if the Arrest were for Felony, then shall it be Felony in him that suffered the Escape; if for Treason, then Treason in him; and if for Trespass, then Trespass; and so in all other.

When one is arrested, after escapes against the will of him that did arrest him, and is not freshly pursued, and taken before the pursuer loses the sight of him; this shall be said a negligent Escape, notwithstanding that he out of whose possession he escaped do take him after he lost sight of him. Also if one be arrested, and after escape, and is at his liberty, and he in whose ward he was take him afterwards, and bring him to the prison;

prison; yet it is an Escape in him.

If a Felon be arrested by the Constable, and brought to the Goal in the County, and the Goaler will not receive him, and the Constable lets him go, and the Goaler also, and so he escapes; this is an Escape in the Goaler, for that in such case the Goaler is bound to receive him by the hand of the Constable, without any Precept of the Justice of Peace. But otherwise it is, if a common person arrest another upon suspicion of Felony, there the Goaler is not bound to receive him without a Precept of some Justice of Peace.

There is an Escape also without an Arrest: as if Murder be made in the day, and the Murderer be not taken, then it is an escape, for which the Town where the Murder was done shall be amerced.

And it is to be observed, That a man may be said to escape, notwithstanding he always continues in Prison. As, if a man be in Prison upon two Executions at the Suit of two several men, and the old Sheriff delivers over this Prisoner to the new Sheriff by Indenture according to the usual course, and in the said Indenture makes no mention of one of the said Executions; this Omission shall be said an Escape in Law instantly, for which the Old Sheriff shall answer,

mesme a le prison; uncore il est *Escape* en luy.

Si un Felon soit arresté par le Constable, & amene a le Gaol en le Countie, & le Gaoler ne voit luy recevoir, & le Costabl luy demit, & le Gaoler auxy, & issint il escape; cest est un Escape en le Gaoler pur ceo q en tiel case le Gaoler est tenu de luy recevoir par le main del Constable, sans aucun Precept de le Justice de Peace. Mes autrement est, si un common pson arrest auter pur suspicion de Felony, la le Gaoler nest tenu de luy recevoir sans Precept de aucun des Justices de Peace.

Il y ad un Escape auxy sans Arrest: come si Murder soit fait en le jour, & le Muderer ne soit prise, d-nq; il est Escape, pur que le Ville ou le Murder fuit fait serra amercie.

Et est destre observe, Que home poit estre dit d'escaper, nient obstant q il tous soirs remain en Prison. Come, si home soit en Prison sur deux Executiōs a Suit de deux several homes, & l' ancient Viscount deliver ouster cest Prisoner al novel Viscount p Indenture, accordant al usual manner, & en le dir Indenture ne fait aucun mentiō d un des dits Executiōs, cest Omissiō serra dit ū Escape ē Ley immiediament, p que le ancient Viscount respondera, nient obstant

obstant que l' Execution fuit
 matt' de Record, de que le no-
 vel Viscount puit aver prise no-
 tice. Mes aut' mit est lou l'an-
 ciën Viscount morust, car en
 tiel case coviët al novel Vis-
 count a sô peril de prëder no-
 tice de tout les Executions
 que sont vers ascun person
 que il trova en le Gaole :
 Mes en le dit case, ou le Vis-
 count morust, & devant que
 auter est fait, un que est en
 Execution ensfreint le Gaole,
 & depart a large, ceo est nul
 Escape; car qüt un Viscount
 morust, tout les prisoners
 sont en le custodie del Ley,
 tanque novel Viscount soit
 fait. Veies *Co. lib. 3. fol. 72.*

Si le Viscount, sur un *Capias ad satisfaciendum* a luy
 direct, fait Retorne *Quod ci-
 pit Corpus*, & uncore nad le
 Corps en Court al jour de le
 Retorne; le Plaintiff poit
 aver son Action vers le Vis-
 count pur l' Escape, nient ob-
 stant que le partie issint prise
 soit en le Gaole. Veies 7 H.
 4. 11. Br. 107.

Escheat.

EScheat est, lou un Te-
 nant en Fee-simple face
 Felonie, pur que il pendue,
 ou abjure le Realme, ou ut-
 lage de Felonie, Murder, ou
 Petit Treason, ou si le Te-
 nant morust sans Heire gene-
 ral ou special; donque le Sür

although the Execution was
 matter of Record, wherof the
 new Sheriff might have taken
 notice. But otherwise it is
 where the old Sheriff dies, for
 in such case it behoves the new
 Sheriff at his peril to take no-
 tice of all the Executions that
 are against any person that he
 finds in the Gaol: But in the
 said Case, where the Sheriff
 dies, and before another is made,
 one that is in Execution breaks
 the Gaol, and goes at large,
 this is no Escape; for when
 a Sheriff dies, all the Prison-
 ers are in the custody of the
 Law, until a new Sheriff
 be made. See Coke, lib. 3.
 fol. 72.

If the Sheriff upon a *Capias ad satisfaciendum* to him directed,
 makes Return, That he hath ta-
 ken the Body, and yet hath not
 the Body in Court at the day
 of the Return; the Plaintiff
 may have his Action against
 the Sheriff for the Escape, al-
 though the party so taken be
 in the Gaol. See 7 H. 4. 11.
 Br. 107.

Escheat.

EScheat is, where a Tenant
 in Fee-simple commits Fe-
 lony, for which he is hanged, or
 abjured the Realm, or Out-
 lawed of Felony, Murder, or
 Petty Treason, or if the Te-
 nant die without heir general
 or special; then the Lord of
 whom

whom the Tenant held the Land, may enter by way of Escheat; or if any other enter, the Lord shall have against him a Writ called a Writ of Escheat.

Escheator.

Escheator is the name of an Officer that observes the Escheats of the King in the County whereof he is Escheator, and certifies them into the Exchequer. This Officer is appointed by the R. Treasurer, and by Letters Patents from him, and continues in his Office but one year; neither can any be Escheator but once in three years. An. 1. H. 8. cap. 8. and an. 3. ejusdem cap. 2. See more of this Officer and his Authority, in Crompton's Justice of Peace. See An. 21 Ed. 1. The form of the Oath of the Escheator see in the Regist. orig. fol. 301. b. And the Escheator is an Officer of Record, and may obtain an under-Escheator, as the Sheriff may an under-Sheriff; yet the Escheator cannot return any Office by virtue of his Office, but he shall be punished. See F. N. B. 100. Office Escheatrix is the Escheatorship. Reg. orig. fol. 259.

de que le Terre est tenuz p le Tenant poit enter p voy de Escheat; ou si ascun autre home enter, le Seignior avera vers luy un Brief appel Brief de Escheat.

Escheator.

Escheator est le nomme del Officer que regarda les Escheats del Roy en l'Countie de que il est Escheator, & certiffia, ceux en le Exchequer. Cest Officer est designe p le S^r Treasurer, & p Letters Patents de luy, & continua en son Office forsq; un an; neq; poit asc' est^r Escheator forsq; un solts en trois ans. Anno 1 H. 8. cap. 8. & an. 3. ejusdem, cap. 2. Veles plus de cest Officer & son authority en Cromptons Justice de Peace. Veles An. 21 Edw. 1. Le forme del Serement del Escheator veles en l'Reg. orig. fol. 301. b. Et l'Escheator est un Officer de Record, & pult ordein un south-Escheat cōe le Visc' poit un south-Visc'; unc' l' Escheator ne poit returne asc' Office virtute Officii, mes il serra punie. Veles F. N. B. fol. 100. Officium Escheatrix est l' Escheatorship. Reg. orig. fol. 259.

Eschequer.

Eschequer.

Eschequer (*Scaccarium*) venist del pol Francis Eschequier, id est, *Abacus*, q̄ en un signification est prise p̄ un Counting-Table, ou pur l'art ou science del Compt. Et de ceo (cōc aucuns penloient) le lieu ou Court des Receits ou Accountes des Revenews del Corone est appel l'Eschequer. Auers ont auterment deriue le nosme de ceo. Mes l'Eschequer est define per *Crompton* en son *Jurisd. des Courts*, fol. 105. destre un Court del Record, en q̄ touts les Causes que concerā les Revenews l'Corō sōt traictis.

Exchequer.

Exchequer (*Scaccarium*) comes of the French word Eschequier, id est, *Abacus*, which in one signification is taken for a Counting-Table, or for the art or skill of Counting. And from thence (as some think) the place or Court of the Receits and Accountes of the Revenews of the Crown is called the Exchequer. Others have otherwise deribed the name. But the Exchequer is defined by *Crompton* in his *Jurisd. of Courts*, fol. 105. to be a Court of Record, wherein all Causes touching the Revenews of the Crown are handled.

Escrowle.

UN Escrow est un fait deliver al tierce person d'estre le fait del party sur future condjcion. Et est appell en Latine *Schedula*. *Rast. Entr. fol. 181.*

Escrow.

An Escrow is a Deed delivered to a third person to be the Deed of the party upon a future condition. And is called in Latine *Schedula*. *Rast. Entr. 181.*

Escuage.

Escuage, en Latine *Scutagium*, cest adire, *Servitium Scuti*, & cestuy que tient per Escuage, tient per Service de Chival; & a ceo appēt Gard, Marriage, & Relief, &c.

Mes veies le *Stat. 12 Car.*

Escuage.

Escuage, in Latine *Scutagium*, that is, Service of the Shield, and he that held by Escuage, held by Knight-service; and to that did belong Ward, Marriage, and Relief, &c.

But see the *Stat. 12 Car. 2. cap.*

c. 24. for taking away the Court of Wards and Liveries, and turning all Tenures into free and common Socage.

Eſcuage was a certain Sum of money levied by the Lord of his Tenant, after the quantity of his Tenure, when *Eſcuage* ran through all England, and was Ordained by all the Council of England, how much every Tenant should give his Lord; and that was properly to maintain the wars against Scotland & Wales, and not against other Lands, for that those Lands did of right belong to the Realm of England. See Lit. lib. 2. cap. 3.

2. cap. 24. p abolishing le Court de Gards & Liveries, & turning tous les Tenures en frank & common Socage.

Eſcuage fuit un certain Summe de Argent levie p le Sür de ses Tenants, selonque l' quantite de son Tenure, qñt l' *Eſcuage* courge per tout *Angleterre*, & fuit ordeigne per tout le Council d' *Angleterre*; qñt chesc' Tenant dona a son Sür; & ceo fuit propermēt pur sustenir le Guerf cōtre *Eſcoce* ou *Gales*, & nō pas cōtre aut's Tfs, pur ceo q' les avantdit Tfs serrōt de droit appendāt a le Realm d' *Angleterre*. Vide Lit. l. 2. c. 3.

Eslistors.

A The persons nominated by a Court of Law, to whom a *Venire facias* is directed (by challenge to the Sheriff and Coroners) who return the *Writ* in their own names, with a panel of the Jurors names. 15 E. 4. 24. pl. 4.

Eslistors.

Sont persons nominate p ū Court del common Ley, al queux un *venire facias* serroit direct (p challeng al Viscount & Coroners; queux retorne le bñc en leur nosmes ove, un pannel des nosmes des Jurors. 15 E. 4. 24. fol. 4.

Esneey.

Eſneey is a Priviledge given the eldest Coparcener, to choose first after the Inheritance is divided. Flet. lib. 5. cap. 10.

Esneey.

Eſneey ē un īmunite don al plus elgne Coparcen, de Essier primerment puis l' Inheritance est divide. Flet. l. 5. c. 10.

Esplees

Esplees.

E*Splees* est le Profit ou Commoditie que est a prendre dun chose : Come de un Common, l' prendre d' Grasse p les bouches de les Beasts que cōmon la ; de un Advowson, le prend de gros Dismes per le Parson ; de Bois, le vender de Bois ; d' un Orchard, le vender de Pomes & auers Fruits cresant la ; d' un Molin, le prisel de Tolle, sont les *Esplees*, & de tiels semblables. Et nora, que en Brief de Droit de Terre, Advowson, ou tiels semblables, le Demaundant doit alledge en son Count, que il ou ses Auncestors prise les *Esplees* d chose ē demād. auterment l' Count nest bon.

*Essendi quietum de
Tolonio.*

E*Ssendi quietum de Tolonio*, est un Brief destre quit d Tolle, & gist en case ou les Citizens ou Burgesles de ascun Citie ou Borough ount estū quit de Tolle p Graunt des Progenitours del Roy per tout le Royalme, ou per Prescripō ; donque si asc' hōe des dits Cities ou Boroughs veignōt oves ses Merchādises a asc' Ville, Fair, ou Market, & la cux mitt' a vender,

Esplees.

E*Splees* is the Profit or Commodity that is to be taken of a thing : As of a Common, the taking of the Grasse by the mouths of the Beasts that common there ; of an Advowson, the taking of gross Tithes by the Parson ; of Wood, the selling of Wood ; of an Orchard, the selling of Apples and other Fruit growing there ; of a Mill, the taking of Toll, are the *Esplees*, and of such like. And note, that in a Writ of Right of Land, Advowson, or such like, the Demandant ought to alledge in his Count, that he or his Ancestors took the *Esplees* of the thing in demand, otherwise the Pleading is not good.

*Essendi quietum de
Tolonio.*

E*Ssendi quietum de Tolonio*, is a Writ to be quit of Toll, and lies in case where the Citizens or Burgesles of any City or Borough have been acquitted of Toll by the Grant of the Kings Progenitors throughout the whole Realm, or by Prescription ; then if any man of the said Cities or Boroughs come with his Merchandises to any Town, Fair, or Market, and there put them to sale,

or buy any Merchandises, if the Officers of the said Town will demand any Toll of him against the Kings Charter, or against the Usage and Custom, he may sue and have such a writ. Fitz. N. B. fol. 226. Registe original fol. 258.

Essoine.

Essoine: where an Action is brought, and the Plaintiff or Defendant may not well appear at the day in Court, for one of the five causes under specified, he shall be Essoined to save his default.

There are five manner of Essoins: viz. Essoine De ouster le mere, by which the Defendant shall have a day by four days.

The second is, De terra sancta, and upon this the Defendant shall have a day by a year and a day; and these two shall be laid in the beginning of the Plea.

The third Essoin is, De male vider, and that shall be adjourned to a common day, as the Action requires; and this is called the Common Essoine; and when and how this Essoine shall be, see the Statutes, and the Abridgment of Statutes, where it is well declared.

The fourth is, De malo lecti, and that is only in a writ of Right, and thereupon

ou achatont ascuns Merchandises; si les Officiers del dit Ville volle demaunder ascun Tolle de luy encount l'Charter le Roy, ou encount le Usage & Custome, il puit suer & aver tel Bfe. R.N.B. f. 226. Registe orig. fol. 258.

Essoine.

Essoine: Lou un Action est port, & le Plainrife ou Defendante ne poit bien appear al jour en Court pur un de cinque causes desouth expresse, il serra Essoin de sa ver son Default.

Sont cinque maners de Essoins: cest adire, Essoine, De ouster la mere, par quel le Defendante avera jour per xl. jours.

Le second est, De terra sancta, & sur ceo le Defendante avera jour per un an & un jour; & ces deux serront gist al commencement del Plea.

Le tierce Essoine est, De male vider, & ceo serra adjourne al common jour, come Action require; & cest appel le Common Essoine: & quant & coment cest Essoin serra, veles les Statutes, & Livre de Abridgement de Statutes, lou il est bene declare.

Le quater est, De malo lecti, & ceo est solement en Brief de Droit, & sur ceo

Esiera Brief hors del Chauncerie direct al Viscount, que li mandera quat' Chivalers de veier le Tenant, & fil il soit malad, de don a luy jour aps un an & jour.

Le cinq' **Essoine** est, *De servijs del Roy*, & gisi en tous Actions, forsque en *Assise De Novel Disseisin*, Brief de Dower, *Darrein presentment*, & en Appeal de Murder: mes en cest **Essoine** il covient al jour de monstre son Garrant, ou auterment il turnera a un Defaute, si soit en Plee real: ou auterment il perdra xx s. par le journey, ou plus per le discretion del Justice, si soit en Plee personel, ut parer per le Statute de Gloucester. cap. 8.

Essoine de malo lecti.

Essoine de malo lecti, est un Brief direct al Viscount, pur le mitt' quat' loyal Chivalers a veier un que ad esfoin luy mesme *De malo lecti*. Reg. Orig. fol. 8. b.

Etablissement de Dower.

Etablissement de Dower, semble destre l' Assurance de Dower fait per le Baron ou ses amies devant ou al temps del Espousels: Et Assignment de Dower est le Mitant ceo hors per le Heire

there shall a writ go out of the Chancery directed to the Sheriff, that he shall send four knights to see the tenant, and if he be sick, to give a day after a year and a day.

The fifth **Essoine** is, *De service del Roy*, and it lies in all Writons, except in *Writ De Novel Disseisin*, *Writ of Dower*, *Darrein presentment*, and in Appeal of Murder: but in this **Essoine** it behoves at the day to shew his warrant, or else it shall turn to a Defaute, if it be in a Plea real, or else he shall lose xx s. for the journey, or more, by the discretion of the Justice, if it be in a Plea personal, as it appears by the Statute of Gloucester. cap. 8.

Essoine de malo lecti.

Essoine de malo lecti, is a writ directed to the Sheriff, to send four lawful knights to view one that hath essoined himself *De malo lecti*. Reg. Orig. fol. 8. b.

Etablissement de Dower.

Etablissement de Dower seems to be the Assurance of Dower made by the husband or his friends before or at the time of the Marriage: And Assignment of Dower is the setting it out by the heir afterwards,

ward, according to the Establishment. Brit. cap. 102, 103.

aps, accordant al Establishment. Brit. cap. 102, 103.

Estandard.

Estandard.

EStandard or Standard signifies an Ensign in war; but is also used for the principal or Standing Measure of the King, to the proportion inherent of all the Measures through the Land are and ought to be framed by the Clerk of the Market, Wainager or other Officers, according to their Function.

For it was established by Magna Charta, ann. 9 H. 3. c. 25. that there should be but one framing of Weights and Measures through all the Realm: which is since confirmed by An. 14 Ed. 3. cap. 12. and many other Statutes; as also that all should be fixed to the Standard scale with the Kings Seal.

And there is good reason that it should be called a Standard, because it stands constant and immovable, and hath all other Measures coming towards it in their conformity; as Souldiers in the Field have their Standard or Colours for their direction in their March or Skirmish. Of these Standards and Measures read Britton. cap. 30. See the Statute 17 Car. 1. cap. 19.

EStandard ou Standard implia un Ensigne en l' guerre; mes est auxy use p le prin ou Certaine Measure del Roy, pportion del que tous les Mesures per le Terre devoient estre fait per le Clerke del Market, Aulneageor, ou auter Officer, accordant a leur Function.

Car il fuit establee p Magna Charta, an. 9 H. 3. ca. 25. que la serroit forsqe un Assise de Poys & Mesures per tout le Royaume; le quel est jammes confirme p An. 14 Ed. 3. c. 12. & plusors aut's Statutes; cō auxy que tous serroyent fait al Estandard scale ove le Scale le Roy.

Et bone cause la est que il serroit appel Estandard, p eco que il estoit constant & immove, & ad tous auters Mesures vient a icel pur leur conformité; en meisme le mañer comē Souldiers en le champē ont leur Estandard ou Colours pur leur direction en leur March ou Battel. De eux Estandards & Mesures lies Brit. cap. 30. Veies le Stat. 17. Car. 1. c. 19.

Estate.

E State est cel Tide ou Interest que home ad en Terres ou Tenements; come Estate simple, autrement appellé Fee-simple; & Estate Conditional ou sur Condition; que est ou sur Condition en Fait; ou sur Condition en Ley. Veies Littl. lib. 3. cap. 5.

Estoppel.

E Stoppel est, quant un est conclude & denie en Ley d'arlar encounter son ait ou fait desm, nient obstant il soit p dire le verite.

Et de Estoppels il y ad un grand number. Un pur exemple est, quant J. S. est obligé en un Obligation per le nomme de T. S. ou ascun autre nomme, & est sue après accordé al meisme le nomme mis en l'Obligation, ore il ne serra receve a dire que il est mis-nomme, mes serra chasc a respond accord al nomme mis e l'Obligation, cest adire, T. S.; car peradventure l'Obligee ne scavoit pas son nomme mes p le report tantolement del Obligor meism. & entant q il est m le hōe q; sult obligé, il serra estoppe, & denie en Ley, p adire le contrarie encounter son fait demesne; car auersit

Estate.

E State, is that Title or Interest that a man hath in Lands and Tenements; as Estate simple; otherwise called Fee-simple; and Estate conditional or upon Condition; which is either upon Condition in Deed; or upon Condition in Law. See Littleton, lib. 3. cap. 5.

Estoppel.

E Stoppel is, when one is concluded and forbidden in Law to speak against his own act or deed, yea, though it be to say the truth.

And of Estoppels there are divers. One for example is, when J. S. is bound in Obligation by the name of T. S. or any other name, and is sued afterwards according to the name in the Obligation; now he shall not be received to say that he is misnamed, but shall be obliged to answer according to the name put in the Obligation, that is, T. S.; for peradventure the Obligor did not know his name but by the report of the Obligor himself: and inasmuch as he is the same man that was bound, he shall be estopped, and forbidden in Law to say contrary to his own deed; for otherwise he might

might take advantage of his own wrong, which the Law will not suffer a man to do.

If the daughter who is heir to her father will sue Liberty with her Sister who is a Bastard, she shall not afterward be received to say that her Sister is a Bastard, inasmuch as if her Bastard-Sister take half the Land, there is no remedy by the Law.

Also if a man seised of Lands in Fee-simple will take a Lease for years of the same Land of a stranger by Deed indented; this is an Estoppel during the term of years, and the Lessee is thereby barred to say the truth, which is, That he that Leased the Land had nothing in it at the time of the Lease made, and that the Fee-simple was in the Lessor: But this he shall not be received to say till after the years are determined, because it appears that he hath an Estate of years, and it was his folly to take a Lease of his own Lands, and therefore shall thus be punished for his folly.

Estovers.

Estovers are Nourishment or Maintenance: And Bract. l. 1. tract. 2. c. 18. num. 1. uses it for such Sustenance as a man, taken for Felony, is to have out of his Lands or Goods for himself and his family during his Imprisonment. And the Dra-

il poit prend advantage d son tort demesne, le quel le Ley ne volt suffer u hōne de faire.

Si le fille que est heir a son pere voit suer Liverie ove sa soer que est un Bastard, el ne serra apres recevoir par dire que sa soer est un Bastard, entant que si la Bastard soer prist le moietie del Terre, il nad Remedie per le Ley.

Auxy si un home selsie de Tfe en Fee-simple volt prendre un Lease p ans de mesme le Tfe d'un estranger p Fait indent, cest un Estoppel durant le terme d'ans, & le Lessee est per ceo barre a dire le veritie, car le veritie est, Que il q; lessa le Tfe nad riens en ceo al temps le Lease fait, & q' le Fee-simple suit & le Lessee: Mes ceo il ne serra recevoir adire tanq; aps les ans serra determine, p ceo que il applert que il ad Estate pur ans, & il sult son folly de prendre un Lease de ses Tfes demesne; & pur ceo serra issint punie p son follie.

Estovers.

Estovers sont Nouriment ou Maintenance: Et Bract. l. 3. tract. 2. c. 18. num. 1. ceo usa pur tiel Nouriment q' home, attach p Felonie, est d'aver hors de ses Tfes ou biens pur luy mesme & son familie durant son dures. Et le Statute

à 6 E. 1. c. 3. ceo usa p̄ u Al-
lowance en Vlands ou Panne.
Il est auxy use pur certain Al-
lowances de Boys desirer prise
hors del boys d'un autre hōe,
Westm. 2. c. 15. Anno 13 E. 1.
West. part. 2. tit. Fines, sect. 26.
dit, Que le nōme d' *Eslovers*
conteigne Housse-bote, Hey-
bote, & Carue-bote; cōe sil ad
en son Grant ceux general pa-
rols, *De rationabili Eslovers*
in boscis, &c. il poert p̄ ceo
clamer ceux trois.

rule of 6 E. 1. c. 3. uses it for an
allowance in *Heat* or *Closh*.
It is also used for certain Al-
lowances of Woods to be taken
out of another *Woods* Wood;
Westm. 2. c. 15. Anno 13. 1. West.
part. 2. tit. Fines, sect. 26. saith,
That the name *Eslovers* compris-
eth *Housse-bote*; *Heyge-bote*,
and *Blow-bote*; as if one hath
in his Grant these general
words, Reasonable *Eslovers* in the
Woods, &c. he may thereby
claim those three.

Esstrangers.

EStrangers sont ascun foits
prise pur ils q̄ ne sont Par-
ties ne Privies al Fine levie,
ou seafans d'un Falt; ascuns
foits ils que sont nec ouflier
le mere.

EStrangers are sometimes ta-
ken for those that are not
Parties or Privies to the ley-
ing of a Fine, or making of a
Werd; sometimes those that are
born beyond Sea.

Estray.

EStray est, lou ascun Beast
ou Cattel est en ascun
Sūrie, & nul conuist FOwner
d̄ ceo; donques ceo serra sei-
lie al oep̄ le Roy, ou de le
Sūr que ad tiel Estray p̄ grant
le Roy, ou par prescription:
Et si l'Owner fait claim a ceo
deins an & jour, il ceo rea-
vera; ou autrement apres P̄
an le propriété de ceo serra
al Sūr, issint que le Sūr face
Proclamation de ceo accor-
dant a le Ley.

Estray.

EStray is, where any Beast or
Cattel is in any *Woods*,
and none knowe its Owner;
then it shall be seized to the use
of the King, or of the Lord that
hath such Estray by the Kings
Grant, or by Prescription; and
if the Owner make claim
thereto within a year and a day,
he shall have it again; otherwise
after the year, the property there-
of shall be to the Lord, provided
he make Proclamation of it ac-
cording to Law.

Estray

Eſtreat.

Eſtreat is a Figure or Reſemblance, and is commonly uſed for the Copy or true ſtore of an Original Writing; as Eſtreats of Amerciaments impoſed in the Rolls of a Court, to be levied by the Bailiff, or ſome other Officer, of every man that hath offended. See F.N.B. 75, & 76. And ſo it is uſed in Weſtm. 2. c. 2.

Eſtreat.

Eſtreat eſt ū Embleme ou Reſemblance, & eſt communement uſé par le Copie ou voier Note d'un Original Eſcripture; cōe Eſtreats de Amerciaments impoſe enles Rolls d'un Court, deſſil levie p le Reeve, ou aut' Officer, de cheſc' home p ſon pecche. Veles F. N. B. 75, & 76. Et liſſint il eſt uſé ē *weſtm. 2. c. 2.*

Eſtrepmēt.

Eſtrepmēt is a Writ that lies where one is impleaded by a *Præcipe quod reddat* for certain Land; if the Demandant ſuppoſe that the Tenant will do Waſte depending the Plea, he ſhall have againſt him this Writ, which is a Prohibition, commanding him to do no Waſte, depending the Plea.

And this Writ lies properly where a man demands Lands by Formedon, or Writ of Right, or ſuch Writs where he ſhall not recover Damages; for in ſuch Writs where he ſhall recover Damages, he ſhall have his Damages, with regard to the Waſte done.

Eſtate probanda.

Eſtate probanda is a Writ of Office, and it lies for the

Eſtrepmēt.

Eſtrepmēt eſt un Bſe que giſt lou un eſt empledé p un *Præcipe quod reddat* p certaine Tſe; ſi le Demandant ſuppoſe que le Tenant voille faire Waſte pendant le Plea, il avera vers luy ceſt Brief, q̄ eſt un Prohibition, luy commandant ne faire Waſt pendant le Plea.

Et ceſt Brief giſt proprement lou un home demande Tſes p Formedon, ou Brief de Droit, ou tiels Briefs lou il ne recover Damages; car en tiels Briefs lou il recovers Damages, il avera ſes Damages, oves regard al Waſt fait.

Eſtate probanda.

Eſtate probanda eſt un Bſe d'Office, & giſt p l'heir
le

le Tenant que tient del Roy en capite, p^r prove qⁱ il est de plein age, direct al Viscount pur inquierer de son age; & donques il deviendra Tenant al Roy per mesme les Services que son Ancestors fist al Roy. Mes il est dit, qⁱ chesc^{un} que passer en cest Enquest sera del age de xlii. ans al meins. Mes veles le Stat. 12 Car. 2. pur Abolition del Court de Wards & Liveries, &c.

Heir of the Tenant that held of the King in chief, to prove he is of full age, directed to the Sheriffs to enquire of his age; and then he shall become Tenant to the King by the same Services that his Ancestors made to the King. But it is said, that every one that shall pass in this Enquest, shall be of the age of xlii. years at least. But see the Stat. 12 Car. c. 2. for abolishing the Court of Wards and Liveries, &c.

Evesdroppers.

Evesdroppers, sont tiels queux estoient desfour Mures ou Fenestres p^r nuiſt ou jour, a oyer novels, & a carrier eux al auters, a faire strise & debate int^r leur Vicines: ceux sont male members en le Comon-wealth, & p^r ceo p^r le Stat. d^e Westm. 1. c. 33. sont desre punie.

Et cest Misdemeanour est p^rsentable & punishable en le Court-Leet, Kitch. f. 11.

Evidence.

Evidence est uſe generalit^r p^r asc^{un} Proof, soit il per le Testimonie d^e hoies, ou p^r Escrip^t Sir Tho. Smith, l. 2. c. 17. ceo uſe est ambideux, senses en ceux pols; Evidence eſt authentique; Escrip^t de Contrails, selonqⁱ le man^{er} d^e Angleterre, cest adire, eſcrite, enseale, & deliver.

Evesdroppers.

Evesdroppers are such as stand under walls, or windows by night or day to hear news, and to carry them to others, to make strife, and debate amongst their Neighbors: those are evil Members in the Common-wealth, and therefore by the Stat. of Westm. 1. c. 33. are to be punished.

And this Misdemeanor is presentable and punishable in the Court-Leet, Kitch. f. 11.

Evidence.

Evidence is generally used for any Proof, be it by the Testimony of men, or by Writing. Sir Tho. Smith, l. 2. c. 17. uses it in both senses, in these words; Evidence is authentic Writings of Contracts, according to the manner of England, that is, written, sealed, and delivered.

And

And l. 2. c. 23. Speaking of the Prisoner that stands at the Bar to plead for his life, and of those that charge him with Felony, thus; Then he tells what he can say; after him also all those who were at the Apprehension of the Prisoner, or who can give any Signs or Tokens, which we call in our Language, Evidence against the Malefactor.

Exaction.

EXaction is a wrong done by an Officer, or by one pretending to have authority, in demanding or taking any reward or fee for that matter, cause or thing, which the Law allows not.

The difference between Exaction and Extortion, is this: Extortion is, where an Officer demands and extorts a greater Sum or Reward than his just fee: And Exaction is, where an Officer or other man demands and takes a fee or Reward, where no fee or Reward is due at all. See Extortion.

Exception.

EXception is a Bar or Stay to an Action; and is divided into Exception dilatory, and peremptory. Of these two see Bracton, l. 5. tract. 5. and Britton, c. 91, 92.

Et l. 2. c. 23. plant del Prisoner q̄ estola al Barf a plead p̄ son vie, & de ceux q̄ charge luy ove Felonie, liffini; Donq; il monstre q̄ il poit dire; puis luy auxi tous ceux queux fueront al Apprehension del Prisoner, ou que poient doner aucuns Indices ou Tokens, queux nous appellomusen nostre parlance Evidence envers le Malefactor.

Exaction.

EXaction est un tort fait p̄ ū Officer, ou p̄ un pretendant d'aver autorite, a demandant ou prestant aucun Reward ou Fee p̄ cell matter, cause, ou chose, q̄ le Ley ne pas allowa.

Le difference penter Exaction & Extortion est ceo: Extortion est, lou un Officer demanda & extorta ū greinder Summe ou Reward que son voler Fee: & Exaction est, lou un Officer ou auter home demanda & urger un Fee ou Reward, lou nul maner d̄ Fee ou Reward est due. Veies Extortion.

Exception.

EXception est un Barre ou Stoppé a ū Action; & est divide ū exceptiō dilatorie, & p̄ptorie. De ceux ambideux veies Bracton, l. 5. tract. 5. & Britton, c. 91, 92.

Exchange.

EXchange est, lon ū hōe est seise de certaine Tfe & un auter est seise d'auter Tfe; sills p un Fait indent, ou sans Fait, si le Terres sont en un Countie, *exchange* leur Tfes, issint q̄ chescun d'eux avera auters Tfes a luy issint exchange en fee, en fee-taille, ou a terme de vie, ceo est apel un *Exchange*, & est bone sans Liverie & Seisin.

En *Exchange* il covient q̄ les Estates a eux limit sont egalls; car si ū averoit Estate en fee en la Terre, & l'auter Estate ē auter Terre forsqne p̄ terme de vie, ou en ralle, tel *Exchange* est void; mes si les estates sont egal & les Terres ne sont d'egal value, uncore l'*Exchange* est bone. Auxy un *Exchange* de Rent p̄ Tfe est bone. Et *Exchange* int' Rent & Common est bone, & ceo covient estre per Fait. Auxy il covient tous soits q̄ cest parol *Exchange* soit en le Fait, ou autrement rien passa per la, sinon q̄ il ay Liverie & Seisin.

Exchange.

EXchange is, where a man is seised of certain Land, and another is seised of other Land, if they by a Deed indented, or without Deed, if the Lands be in one County, exchange their Lands, so that each of them shall have other Lands to him so exchanged in fee, fee-tail, or for term of Life, that is called an *Exchange*, and is good without Liverie and Seisin.

In *Exchange* the Estates to them limited must be equal; for if one should have an Estate in fee in his Land, and the other an Estate in the other Land but for term of Life, or in tail, such *Exchange* is void; but if the Estates be equal, though the Lands be not of equal value, yet the exchange is good. Also an exchange of Rent for Land is good. And an exchange between Rent and Common is good, and that ought to be by Deed. Also it behoves always that this word *Exchange* be in the Deed, or else nothing passes by it, except he have Liverie and Seisin.

*Exchequer.**Exchequer.*

EXchequer. Yeles *Exchequer*.

EXchequer, *Exchequer*.

Ex.

Excommungement.

EXcommungement is to say in Latine, Excommunicatio, and it is where a man by judgement in Court Christian is Excommunged, by which he is disabled to sue any Action in the Kings Court; and if he remain Excommunicate xl. days, and will not be justified by his Ordinary, then the Bishop shall send his Letter Patent to the Chancellor to certifie this excommunication or contempt; and thereupon the Sheriff shall be commanded to take the Body of him that is Excommunicated, by a Writ called, De Excommunicato capiendo, till he hath made satisfaction to holy Church for the Contempt and Wrong: and when he is justified, the Bishop shall send his Letters to the King, certifying the same; and then the Sheriff shall be commanded to deliver him by a Writ called Excommunicato deliberando. See the Statute 5 Eliz. cap. 23.

Excommunication.

EXcommunication. See Excommungement.

Execution.

EXecution is, where Judgement is given to any Action

Excommungement.

EXcommungement est adire en Latine Excommunicatio, & est lou un home p la judgement en Court Christian est Excommunge, p quel il est disable de suer asc' Action en Court le Roy; & sil remaine Excommunge xl. jours, & ne voile este justifie p son Ordinaire, donques l'Evesq; mandera son Letter al Chancelour, de certifier l'Excommunication ou Contempt; & sur ceo serra command al Viscount de prendre le corps le Excommunge, per un Brief appel De Excommunicato capiendo, jescque il ad fait gree al saint Eglise pur le Contempt & tort: & quant il est Justice, l'Evesque maundera ses Letters al Roy, certifiant ceo; & donques serra maunde al Viscount de luy deliver, per un Brief appel Excommunicato deliberando. Veies le Statute 5 Eliz. cap. 23.

Excommunication.

EXcommunication. Veies Excommungement.

Execution.

EXecution est, lou Judgement est done en ascue Action,

Aſſion, que le Plaintiff reco-
vra le Tre, le Det, ou Dam-
mages, come le caſe eſt; &
quant aſc' Briſ eſt agard de
luy mitter en poſſeſſion, ou d'
faire aſcun choſe per que le
Plaintiſe ſerra le mieux ſatis-
fie ſon Det ou Damages, ceo
eſt appel *Briſſ d' Execution*,
& quant il ad le Poſſeſſion
de le Terre, ou eſt pay le
Det ou Damages, ou ad le
Corps le Defendant agard
a) priſon, donques il ad
Execution. Et ſi le Plee
ſoit en Countie, ou Court-
Baron, ou Hundred, & ils de-
laiont l'Execution del Judg-
ment en faveur de partie, ou p'
auter encheaſon; le Deman-
dant avera *Briſſ De Executione
Judicii*.

Nota, que en Briſſ de Det
home n'avera Recoverie de
nul Terre, mes de ceux que
le Defendant avoit jour de
Judgment rendue. Et de
Chateux, home avera Exe-
cution ſolement des Chateux
queux il avoit jour d'Execu-
tion ſue.

Executione facienda.

EX-cutione facienda eſt un
Briſſ commandant Exe-
cution d'un Judgment; le di-
vers uſes de quel veies en le
Table de Reg. judic.

on, that the Plaintiff ſhall re-
cover the Land, Debt, or Dam-
mages, as the caſe is; and when
any Writ is awarded to put
him in poſſeſſion, or to do any
other thing whereby the Plai-
ntiff ſhould the better be ſatis-
fied his Debt or Damages,
that is called a Writ of Ex-
ecution; and when he hath the
poſſeſſion of the Land, or is
paid the Debt or Damages,
or hath the Body of the Defen-
dant awarded to priſon, then he
hath Execution. And if the Plea
be in the County, or Court-
Baron, or Hundred, and they
deſer the execution of the Judg-
ment in ſavoy of the party, or
for other cauſe; the Demandant
ſhall have a Writ De Executione
Judicii.

Note, that in a Writ of Debt
a man ſhall not have Recovery
of any Lands, but of thoſe
which the Defendant hath the
day of the Judgment yielded.
And of Chattels, a man ſhall
have execution only of the
Chattels which he hath the day
of the execution ſued.

Executione facienda.

EX-cutione facienda, is a Writ
commanding Execution of
a Judgment; the divers
uſes whereof ſee in the Table of
the Reg. Judic.

Executor.

EXecutor is, when a Man makes his Testament and last Will, and therein names the person that shall execute his Testament, that is his Executor, and is as much in the Civil Law as *Heres designatus*, or Testamentarius, as to Debts, Goods and Chattels of his Testator; and such an Executor shall have an Action against every Debtor of his Testator; and if the Executor hath Assets, every one to whom the Testator was in Debt, shall have an Action against him, if he have an Obligation or Specialty; but in every case where the Testator might waive his Law, no Action lies against the Executor. See hereof before in the Title Administrators.

And if any other person not made Executor, take or sell the Goods of the deceased, he may be sued as Executor of his own wrong, in the same form as other Executors. See the Statute of 30 Car. 2. cap. 7.

Exemplification.

EXemplification is, when a man will have any Original Record written out and exemplified forth of the Court where it remains, to which purpose he may have a Writ, as ap-

Executor.

EXecutor est, quant un hōe fait son Testament & dar-reine Volunt, & en ceo nom-ma le person que executera son Testament, il est son Executor, & est a tant en le Civil-Ley come *Heres designatus*, vel Testamentarius, come al Det, Biens & Chat-tels son Testator: & tici Executor avera Action vers chescun Dettor de son Testa-tor; & si l' Executor ad As-sers, chescun a que le Testa-tor suit indett avera Action vers l' Executor, si ad Obliga-tion ou Especlaltie; mes en chescū case lou le Testat' pui-soit gager son Ley, nul Acti-on gist vers Executor. Ve'es plus de ceo devā Titulo Ad-ministrators.

Esli ascun aut' person ni-ët fait Executor, prist ou vend les biens del mort p'estre suë cōe Executor de son tort en mesme le forme come au-ters Executors. Vide Stat, 30 Car. 2. cap. 7.

Exemplification.

EXemplification est, ou hōe voile aver aſc' Original Record transcripe & exem-plifie hors del Court lou il rema'ne, a quel purpose il poit aver un Brief, come ap-pier

piert p le Reg. orig. fol. 290.

Et si hōe volle leader un Record en autre Court q' ceo lou il remain, Il convient a luy d'aver *exemplific* south le Grand Seale d' Angleterre; car sil soit *exemplific* south le Seale d' Common Banke, Exchange, ou d'els semblables, ceo ne servera, fors; ē Evidence al Jurie. Veles Coke l. 5. f. 53.

Veles le Stat. 13 Eliz. cap. 6. & 23 El. 3. le force & use d' Exemplifications de Patents, &c.

Exemption.

Exemption est un privilege deestre Franke de Service ou Appearance: & p' ceo un Baron & Baronesse, p' reason de leur Dignitie, sont *exemptis* deestre jure sur asc' Enquest. Coke l. 6. f. 53.

Aux' Chivalers, Clerks & Femmes sont *exemptis* d'appareer al Leets ou Tourne del Visé: Et ceo est p' le Statute de Marlebridge, c. 10.

Et home poit estre *exempt* deestre mis sur Enquestes ou Juries per les Letters Patents le Roy; come le President & Colledge ou Communalte de Physiciens ē Londres fueront p' les Letters Patents del Roy, H. 8. Coke l. 8. f. 108.

Ex gravi querela.

Ex gravi querela. Veies devant Tit. Devise.

peats by the Reg. orig. f. 290.

And if a man will plead a Record in other Court then where it remains, it behoves him to have it exemplified under the Great Seal of England; for if it be exemplified under the Seal of the Common Pleas, Exchequer, or such like, it will not serve, unless in Evidence to a Jury. See Coke l. 5. f. 53.

See the Statute of 13 Eliz. cap. 6. and 23 El. 3. The force and use of Exemplifications of Patents, &c.

Exemption.

Exemption is a privilege to be free from Service or Appearance: and therefore a Baron & Baronesse, by reason of their Dignity, are exempted to be sworn upon any Inquest. Coke l. 6. f. 53.

Also Knights, Clerks, and Women are exempted to appear at Leets, or the Sheriffs Court: And that is by the Statute of Marlebridge, c. 10.

And a man may be exempted from being put upon Enquests and Juries by the Kings Letters Patents; as the President and Colledge or Commonalty of Physicians in London, were by the Letters Patents of King H. 8. Coke l. 8. f. 108.

Ex gravi querela.

Ex gravi querela. See before in the Title Devise.

Ex.

Exigent.

EXigent is a Writ that lies where a man sues an Action personal, and the Defendant cannot be found, nor hath any thing within the County whereby he may be attached or distrained: then this Writ shall go forth to the Sherif, to make Proclamations at five Counties, every one after another, that he appear, or else that he shall be outlawed: and if he be outlawed, then all his Goods and Chattels are forfeit to the King. In an Indictment of Felony the Exigent shall go forth after the first Capias. And in a Capias ad computandum, or ad satisfaciendum, and in every Capias that goes forth after Judgment, the Exigent shall go forth after the first Capias. And also in Appeal of Death; but not in an Appeal of Robbery or Mayhem.

With this Exigent issueth also a writ by the Statute of 13 El. cap. 3. to make three Proclamations against the Defendant, which is not in Exigents after Judgment.

Exigenter.

EXigenter, is an Officer of the Common Pleas, of which there are four. They make out all Exigents and Proclamations in all Actions, in which process

Exigent.

EXigent est un Breve q̄ gist lon hō: sue Action personal, & le Defendant ne soit este trouve, ne ad riens deins le Countie p̄ que il pult este attach ou distreine; donques cest Brief Issera al Viscount, de faire Proclamatiō al cinq' Counties, chescun apres auter, que il appare, ou auterment il serra utlage: & si solt utlage, donques tous ses biens & chateux sont forceits al Roy. En un Endictment de Felonie l' Exigent issera apres le premier Capias. Et en Capias ad computandum ou ad satisfaciendum, & en chescun Capias que issist apres Judgment, l' Exigent issera apres le premier Capias. Et auxy en Appeal de Mort; mes nemy en Appeal de Robberie ou Mayhem.

Ove ceo Exigent issiust un breper le Stat. 13 El. cap. 3. a fait trois Proclamations envers le Defendant, quel n'est en exigents suls Judgment.

Exigenter.

EXigenter est ū Officer del Cōmon Pleas, & d̄ ceux sont quatre. Ils sont tous Exigents & Proclamations en tous Actions & queux p̄ces

ces d'Utlagarie gift. Et ils font Bfres de *Superfedeas* cy-byen come les Protonotaries sur tiels *Exigents* come fueront faits en leur Office. Et d'cest Officer mention est fait en les Statutes d'10 H. 6. c. 4. & 18 H. 6. c. 9.

of Outlawry lites. And they make writs of *Superfedeas*, as well as the *Protonotaries* upon such *Exigents* as were made in their Office. Of this Officer there is mention made in the Statutes of 10 H. 6. c. 4. & 18 H. 6. c. 9.

Ex mero motu.

Ex mero motu.

EX *mero motu* sont parols usualment mis e les Charters le Roy, per quux il implice, que il fait ceo q̄ est conteline en le Charter *de son volant & motion demesne*, sans Prier ou Suggestion fait per aucun autre. Et l'effect de ceux parols est, d'ouier tous Exceptions q' poieront estre prise al Instrument en que ils sont contelineus, p' alledger, que le Roy en donont de c' Charter suit abuse p' aucun faux Allegation. *Kitch. f. 151.*

EX *mero motu* are words frequently used in the Kings Charters, whereby he signifies, that he doth that which is contained in the Charter of his own will and motion, without Petition or Suggestion made by any other: and the effect of these words is, to bar all exceptions that might be taken to the Instrument wherein they are contained, by alleging, that the King in passing that Charter was abused by any false Suggestion. *Kitch. f. 151.*

Et quant u Charter le Roy ad e ceo ceux parols, il ferra prise plus fortment vers le Roy; p' que si le Roy pardon a B tous ses Dets *ex mero motu*, tous Dets que B doit cōe Viscount sont p' ceo pardon; & en mesme le manner est en plusieurs autres cases, lou ceux parols ferra prise cy fort vers le Roy, cōe si un Common p'son ad fait le Graunt. Veies *Coke l. 1. f. 45.*

And when the Kings Charter hath therein these words, it shall be taken most strongly against the King; therefore if the King, *ex mero motu*, pardon to B. all his debts, all the debts that B. owes as Sheriff are by this pardoned; and in like manner it is in many other cases, where these words shall be taken as strongly against the King, as if a common person had made the Grant. See *Coke, l. 1. f. 45.*

Ex parte talis.

Ex parte talis.

EX parte talis. Des before, Tit.
Account.

EX parte talis. Veles devant
Tit. Account.

Expeditate.

Expeditate.

EXPeditate is a word often used in the Forrest, signifying to cut out the Balls of great Dogs feet, for preservation of the Kings Game. And one of the Articles to be enquired touching the Forrest, is, If all great Dogs or Mastives in the Forrest are Expeditated, according to the Laws of the Forrest; and if any be not, the Owner of every such Dog shall forfeit to the King three shillings and four pence, Crompt. Jurisd. fol. 152. Manwood uses the same word, and (part. 1. of his Forrest Law, fol. 212.) sets down the manner of expeditating Dogs heretofore, which was, that the three Claws of the fore-foot on the right side shall be cut off by the skin; whereunto he also adds out of the Ordinance called the Assise of the Forrest, that the same manner of expeditating Dogs shall be still used and kept, and none other. Quere whence it arises that Crompton and he differ; the one saying the Ball of the foot is cut out; the other, that the three fore-claws are cut off by the skin.

EXPeditate est un pol plusors fois usé en le Forrest, impliant de prend hors les Balls des pees de grand Chiens, pour le preservation de Sporte l' Roy. Et un des Articles desiré enquire concernant le Forrest est, Si tous grand Chiens ou Mastives deins le Forrest sont expeditats, accordant al Leys del Forrest; & si aucuns ne sont, l'Owner de chesc' del Chien forfeltera al Roy trois soulds & quat' deniers, Crompt. Jurisd. fol. 152. Manwood usait mesm le pol, & (part. 1. de son Forrest Ley, fol. 212.) relate le ancien manner de expeditating de Chiens, que suit, que les trois Ortelles del Primer pee del dext' latere serront abscindus p le pelle; a que il auxy adde hors del Ordinance appel l' Assise del Forrest, que en le manner de expeditating des Chiens serra jamms usé & observé, & nul autre. Quere de que il surde que Crompton & il differont; l'un disant que le Ball del pee est abscinde; l' aut', q' les trois primer Ortilles s'ont desumus p le pelle.

*Expensis Militum
levandis.**Expensis Militum
levandis.*

Expensis Militum levandis, est un B're direct al Viscount pur levier le Allowance pur Chivalers del Parliamt, *Regist. orig. fol. 191. b.* Et *Expensis Militum non levandis ab hominibus de Antiquo Dominico, nec a Nativis*, est un Brief de phibit l' Viscount d levier ascun Allowance pur les Chivalers del County sur tiels queux tiendront en Ancien Demesne, &c. *Ibidem, fol. 261. b.*

Extend.

Extend est, appraiser les Terres ou Tenements d'un oblige per Statute, &c. que ad ceo forfeite, & deliverer eux al Conusee a tel endifferant rate, come per l' annuel Profits le Conusee en temps poit estre satisfe son Det. *Veles Fitz. N. B. fol. 131. & Coke, lib. 4. fol. 67. Fulwoods Case.*

Extent

Extent ad deux significatiōs : L'un est un B're ou Commission al Viscount pur le valuing del Terres ou Tenements; l'auter, l'act del Viscount ou auter Commissioner

Expensis Militum levandis, is a Writ directed to the Sherif for lebbing the Allowance for the Knights of the Parliamt, *Regist. orig. fol. 191. b.* And *Expensis Militum non levandis de hominibus de Antiquo Dominico, nec a Nativis*, is a writ to prohibit the Sherif to leby any Allowance for the Knights of the County upon such as hold in Ancient Demesne, &c. *Ibidem fol. 261. b.*

Extend.

Extend is, to value the Lands or Tenements of one bound by Statute, &c. that hath forfeited it, and to deliver them to the Conusee at such indifferant rates, as that by the yearly Profits the Conusee in time may be satisfied his Debt. *See Fitz. Nat. B. fol. 131. and Coke, lib. 4. fol. 67. Fulwoods Case.*

Extent.

Extent has two significatiōs : The one is a Writ or Commission to the Sherif for the valuing of Lands or Tenements; the other, the act of the Sherif or other Commissioner

missioner upon that *tit. Broke*,
tit. Extent. fol. 313.

sur *m* Brief. *Broke, tit. Ex-*
tent, fol. 313.

Extinguishment.

EXTINGUISHMENT is, where a Lord, or any other, hath any Rent or Service going out of any Land, and he purchases the same Land, so that he hath such Estate in the Land as he hath in the Rent; then the Rent is extinct, for that one may not have Rent going out of his own Land. Also when any Rent shall be extinct, the Land and the Rent must be in one hand, the Estate indefeasible, and he have as good Estate in the Land as in the Rent; for if he have Estate in the Land but for Life or Years, and hath Fee-Simple in the Rent, then the Rent is not extinct, but in suspense for that time, and after the term the Rent is revived.

If there be Lord, Mesne, and Tenant, and the Lord purchase the Tenancy, the Mesnage is extinct; but the Mesne shall have the surplusage of the Rent, if there be any, as Rent-seck. Also if a man have a High-way appendant, and after purchase the Land wherein the High-way is, then the Way is extinct: and so it is of a Common appendant.

Extinguishment.

EXTINGUISHMENT est, lou un Sür ou asc' aut' ad ascun Rent ou Service issuat dascu Terr, & il s'chase m le Terr, issint q il ad tiel Estate en le Terr cõe il avoit e le Rent; donques le Rent est extinct, p cœd que un ne poit aver Rent issuant hors d son Terr demesü. Auxy qnt ascun Rent seera extinct, il covient q le Terr & le Rent sont en un main, & auxy q l'Estate q il ad ne soit defeasible, & auxy q il ayr auxi bon Estate en le Terr com en le Rent; car sil ad Estate e le Terr forsque p vie ou pur ans, & ad un Fee-simple en le Rent, donques le Rent nest extinct, mes est en suspense par cel tẽps, & apres le terme le Rent est revive.

Si soit Sür, Mesne, & Tenant, & le Seignior purchase le Tenancie, l' Mesnatie est extinct; mes le Mesne avera le surplusage del Rent, si ascun soit, come Rent secke. Auxy si home ad Chimin appendant, & puis purchase le Terre en que le Chimin est, donques le Chimin est extinct; & issint est de un Common appendant.

Extortion.

EXtortion est un Tort fait per un Officer, Ordinary, Archdeacon, Official, Major, Bailife, Viscount, Escheator, South-Viscount, Coroner, Gaoler, ou autre Officer, *Colore Officii sui*, en prenant excessive Reward ou Fee p execution de son Office, ou autrement; & nest autre chose en fait que plain Robberie, mes plus odible q Robberie: car Robberie est apparant, & tout temps ad ove luy le countenance de Vice; mes Extortion, estant cy hault Vice q Robberie est, port ove luy u countenance del Vertue, p realõ d quel il est le plus dure desirerle ou discerner, & pur ceo le plus odible. Et uncof a cõs il y ad que ne voiloient demur mes stretch leur Office, Credit, & Conscience, p purchaser Money, cybiẽ p Extortio come autrement, accordant al disans de le Poet Virgil, *Quid non mortalia pectora cogis, Auri sacra famis?*

Extortion.

EXtortion is among done by any Officer, Ordinary, Archdeacon, Official, Major, Bailiff, Sheriff, Escheator, Coroner, Under-Sheriff, Gaoler, or other Officer, by colour of his Office, by taking excessive Reward or Fee for execution of his Office, or otherwise; and is no other thing indeed then plain Robbery, or rather more odious then Robbery: for Robbery is apparent, and always hath with it the countenance of Vice: but Extortion, being as great a Vice as Robbery is, carries with it a countenance of Vertue, by means whereof it is the more hard to be tried or discerned, and therefore the more odious. And yet some there are that will not stick to stretch their Office, Credit, and Conscience, to purchase Money, as well by Extortion as otherwise, according to the saying of the Poet Virgil, What is it that the greedy thirst of Gold doth not constrain mortals to attempt?

Faculty.

F.

Faculty.

Faculty is a word often used in the Statute of 25 Hen. 8. cap. 21. and it signifies a Priviledge or special Dispensation granted unto a man by favour and indulgence, to do that which by the Law he cannot do; as to eat flesh upon days forbidden, or to hold land or more Ecclesiastical Livings, and the like. And for the granting of these Faculties, there is a special Officer under the Arch-bishop of Canterbury, called, The Master of the Faculties.

F.

Faculty.

Facultie est un pol plusors foits use e le Statute de 25 H. 8. c. 21. & il signifie un Priviledge ou special Dispensation grant al home per favor & indulgence, d'الف ceo q per le Ley il ne pult الف; sicoe de manger Chair e jours prohibes, ou p tener deux ou plusors Ecclesiastical Benefices ensemble, &c. Et p le grant de ceux Faculties la est un especial Officer desouth l' Archevesq; de Canterburie, que est appel le Master des Faculties.

Failing of Record.

Failing of Record is, when an Action is brought against one, who pleads any matter of Record, and avers to prove it by Record; and the Plaintiff saith there is no such Record; whereupon the Defendant hath day given him to bring in the Record; at which day he fails, or brings in such a one as is no Bar to this Action: then he is said to fail of his Record; and thereupon the Plaintiff shall have Judgment to recover, &c.

Failer de Record.

Failer de Record est, qnt un Action est port envers un, que plede ascun matter de Record, & averre de ceo prove per le Record; & le Plaintife dit nul tiel Record; sur q; le Desfendant ad jour don a luy p amefn eins le Record; a quel jour il الف, ou amefn eins un tiel que nest Barre al cest Action: donques il est dit pur الف de son Record; & sur ceo le Plaintife avera Judgment de recoverer.

Faint } *Action.*
Pleader.

Faint *Action* (come Littleton, fol. 154. dit) est autat adire en Anglois, un *Fained Action*, cestascavoir, tiel *Action*, q. comt q; les pols de le Bfe sont voyers, uncore pur certain causes il nad title per la Ley de recover per meism l' *Action*: Et *faux Action* est, lou les parols del Brief sont faux. Issint *Faint Pleader* est un covinous, faux & collusorie manner de *Pleading*, al decept d' un tierce prie. Et encounter tiel *Faint Pleader*, ent' autres choses, le vieux Statute en 3 E. 1. c. 29. semble destre fait.

Fait,

Fait est un Escript enseale & deliver, a prover & restifier l' Agreement del partie quel Fait il est al chose containe en le Fait: come un Fait de Feoffment est un Prove del Liverie de Seisin, car le Terre passe per le Liverie de Seisin; mes quant le Fait & le Liverie est joynte ensemble, cest un Prove del Liverie, & que le Feoffor est content que le Feoffee avera le Terre.

Touts Fairs sont ou *present*, de quel sont deux, trois ou

Faint } *Action.*
Pleading.

Faint *Action* (as Littleton, fol. 154. saith) is as much as to say in English, a *Fained Action*, that is, such *Action*, as though the words of the Writ be true, yet for certain causes he hath no title by the Law to recover by the same Writ: And a false *Action* is, where the words of the Writ are false. So *Faint Pleading* is a covinous, false, and collusory manner of *Pleading*, to the deceit of a third party. And against such *Faint Pleading*, amongst other things, the old Statute in 3 E. 1. cap. 29. seems to be made.

Deed.

Deed is a Writing sealed and delivered, to prove and testify the agreement of the party whose Deed it is to the thing contained in the Deed: as a Deed of Feoffment is a Proof of the Liberty of Seisin, for the Land passes by the Liberty of Seisin; but when the Deed and the Delivery are joined together, that is a proof of the Liberty, and that the Feoffor is contented that the Feoffee shall have the Land.

All Deeds are either Indented, whereof there are two, three,

or more parts, as the case requires; of which the Feoffor, Grantor, or Lessor hath one; the Feoffee, Grantee, or Lessee another; and peradventure some other body a third, &c. Or else they are Poll Deeds, single, and but one, which the Feoffee, Grantee or Lessee hath, &c. And every Deed consists of three principal Points, (without which it is no perfect Deed to bind the parties) namely, Writing, Sealing, and Delivery.

1. By Writing is shewed the parties Names to the Deed, their Dwelling-places, their Degrees, the Thing granted, upon what Considerations, the Estate limited, the Time when it was granted, and whether simply, or upon Condition, with other such like Circumstances. But whether the parties to the Deed write in the end their Names, or set to their Marks, (as it is commonly used) it matters not at all, (as I think) for that is not meant, where it is said, that every Deed ought to have Writing.

2. Sealing is a farther Testimony of their Consents to what is contained in the Deed; as it appears in these words, In Witness whereof, &c. or to such effect, always put in the latter end of Deeds, without which words the Deed is insufficient.

And because we are about Sealing and Signing of

plusors parties, come le cas require; de que le Feoffor, Grantor, ou Lessor ad un; le Feoffee, Grantee, ou Lessee, un autre; & peradventure asc' aut' person auxy un tierce &c. Ou autersint ils sont Faits Poll, single & forsque un, le quel le Feoffee, Grantee, ou Lessee ad, &c. Et chescun Fait consist de trois principal choses, (sansquel il nest perfect Fait de lier les parties) noshmement, *Escripture, Sigillation, & Deliverie.*

1. Per *Escripture* est declare les Noshmes del parties al Fait, leur Habitations, leur Degrees, le Chose grauntus, sur queux Considerations, l'Estate limit, le Temps qut il suit grauntus, & si simplemt, ou sur Condition, ove autersiels semblables Circumstances. Mes si les parties al Fait escripte en le fine escrient leur Noshmes, ou mis a ceo leur Markes, (come il est communement use) il ne fait ascun matter, (come jeo suppose) car ceo nest entende, ou il est dit, que chescun Fait covient de aver *Escripture.*

2. *Sigillation* est pluis Testimonie de leur Consents al ceo containe le Fait; come appiert p ceux parols, *In cujus rei Testimonium, &c.* ou a tiel effect, mis en le fine de Faits, sans queux parols le Fait est insufficient.

Et pur ceo que nous sumus en *Sigillation & Signing* de Faits,

Faits, il ne serra dehors icy a monstre a vous, pur l'amour del Antiquitee, le maniere del Signing & Subscribing de Faits en nostre Ancestors le Saxons temps, un fashion different d' ceo que nous use en ceux nostre jours, en ceo, que ils a leur Faits subscribe leur Nomes, (communement adding le Signe del Crosse) & en le fine mis un grand nombre de Testmoignes, nient usant a cel temps aucun man d' Sigil: Et nous a cest jour, pur plus surete, auxy bien subscribe nostre Nom, (niet obstat ceo nest mult necessarie) & mis nostre Sigille, & use le aide des Testmoignes auxy.

Cest primer fashion continue per tout ranque al temps del Conquest per les Normans, quel maniere per petite & petite al darreine prevaile entre nous; car le primer Charter Sigil en Anglterra est pense desire ceo del Roy Edward le Confessor, al Abbe de Westminster, que esteat educate en Normandie, port e cest Realm ceo & aucun autre de leur guises. Et apres le veniens de William le Conquerour, les Normans estimants de le Custome d' leur Pays, (come naturellement tous Nations font) rejett le maniere que i's trouvent cy, & reigneont leur propre, come Ingulphus l' Abbot de Croiland, que vient eins ave l' Conquest, tesmoigne, diens; Normans

Deeds, it shall not be much amiss here to shew you, for antiquities sake, the manner of Signing and Subscribing Deeds in our Ancestors the Saxons time, a fashion differing from that we use now, in this, That they to their Deeds subscribed their Names, (commonly adding the Sign of the Crosse) and in the end did set down a great number of Witnesses, not using at that time any kind of Seal: And we at this day, for more surety, both subscribe our Names, (though that be not very necessary) and put to our Seals, and use the help of Witnesses besides.

That former fashion continued absolute until the time of the Conquest by the Normans, whose manners by little and little at the length prevailed amongst us; for the first Sealed Charter in England, is thought to be that of King Edward the Confessor, to the Abbey of Westminster, who being educated in Normandy, brought into this Realm that and some other of their fashions with him. And after the coming of William the Conquerour, the Normans liking their own Country Custom, (as naturally all Nations do) rejected the manner that they found here, and retained their own, as Ingulphus the Abbot of Croiland, who came in with the Conquest, Witnesses, saying; The

The Normans do change the making of Writings (which were wont to be firm'd in England with Crosses of Gold, and other holy Signs) into an impression of Wax, and reject also the manner of the English Writing. Nowbeit, this was not done all at once, but it increased and came forward by certain degrees: so that first and for a season the King only, or a few other of the Nobility, used to Seal; then the Noble-men, for the most part, and none other. Which thing a man may see in the History of Battel Abbey, where Richard Lucie Chief Justice of England, in the time of King Henry the Second, is reported to have blamed a mean Subject, for that he used a private Seal, whereas that pertained, (as he said) to the King and Nobility only.

At which time also (as J. Rolfe notes it) they used to engrave in their Seals their own Pictures and Counterfeits, covered with a long Coat over their Arms. But after this, the Gentlemen of the better sort took up the fashion, and because they were not all Warriors, they made Seals engraven with their several Coats or Shields of Arms, for difference sake, as the same Author reports. At length, about the time of King Edward the third, Seals became very common; so that not only such as bare Arms used to Seal,

Chirographorum confessionibus (cum Crucibus aureis & aliis signaculis sacris in Anglia firmari solitam) in Ceram impressam mutant, modumque scribend' Anglicum rejiciunt. Mes nient obstant ceo ne fult fait tout al un temps, mes il increase & vient eins per certain degrees: issint que primes & pur un season le Roy soleint, ou un peu aut' d' le Nobillite, use de Sigiller; donques le Noble-homes p' le plus part, & nul auters. Quel chose un home poit veier en le Historie de Battel Abbey, lou Rich. Lucie Chief Justice de Anglitterre, en la temps del Roy Hen. le Second, est report de aver blame un meame subject, p' ceo que il use un private Sigile, quant ceo pertaint (come il dit) al Roy & Nobility solement.

A quel tēps auxy (come J. Rolfe note ceo) ils use de engrave en lour Sigills lour Pictures demesne & cōterfeits, cover ove longe Tunicle super lour Armours. Mes apres ceo les Gentlehomes d' Mellour sort prist l' fashiō, & p' ceo q' ils ne fuerōt tous Guerriers, ils fesoient Sigills engrave ove lour several Coats ou Shields de Armes, p' difference, come mesme l' Authour report. Al darreine, en temps del Roy Ed. le 3. Sigills fueront mult common; issint que non solement tiels que portant Armes use de Sigiller, mes auters hōes
auxy

auxy sefoiēt al eux mēsm̄s Signers de leur devises demesne, ascūns pndrants les Letters de leur Nomes demesne, ascūns Flowers, ascūns Knots & Flourishes, ascūns Oyseaux & Beasts, & ascūns autres choses, come nous ore unē journalment velomus en use.

Ascūns autres maniers de Sigillation ouster ceux ad este oye enter nous; come nosmeent ceo del Roy Edward le tierce, p que il done al Norman le Hunter,

*Le Hop, & le Hop-ville,
Ove tous les bounds upside
down :*

*Et en testimoign' que il soit
verie,*

*Il mord' le Cere ove son fore
dent.*

Le semblable d cest suit mō-
stre a moy p un de mes amies
ē un loose chart, mes nō mult
ancientm̄t escript, & p ceo il
voile moy q̄ jeo esteema d c'
come jeo peple bien : Il suit
come ensuist.

*Jeo Guillian King done a
vous Powlen Royden ma Hop
& ma Hop-terres, ove tous
les bounds up & down, de
Celo al Terre, de Terre ad In-
fernum, par toy & vestres a
demurrer d moy & mēs, al toy
& vestres, par un Arc & un
broad Sagit, quant jeo veign'
par hant par Yarrow. In testi-
moign' que ceo est veray, Jeo
morde cest Cere ove mon dent,*

but other men also fashioned
to themselves Signets of their
own debires, some taking the
Letters of their own Names,
some Flowers, some Knots
and Flourishes, some Birds
and Beasts, and some other
things, as we now yet daily
see used.

Some other manners of Seal-
ings besides these have been
heard of among us; as name-
ly, that of King Edward the
third, by which he gave to Nor-
man the Hunter,

*The Hop and the Hop-Town,
With all the bounds upside
down :*

*And in witness that it was
sooth,*

*He bit the Wax with his fore-
tooth,*

The like to this was shewed
me by one of my friends in
a loose Paper, but not very an-
ciently written, and therefore he
willed me to esteem of it as
I thought good : It was as fol-
lows.

*I Guillian King, give to thee
Powlen Royden my Hop and
my Hop-Lands, with all the
bounds up and down, from
Heaven to Earth, from Earth
to Hell, for thee and thine to
dwell, from me and mine, to
thee and thine, for a Bow and
a broad Arrow, when I come
to hunt upon Yarrow. In wit-
ness that this is sooth, I bit this
Wax with my tooth; In the pre-
sence*

gence of *Spangt, Spand, and Margery, and my third son Henry.*

Also that of Alberick de Vere, containing the Donation of Hatfield, to which he affixed a short black-hafted knife, like an old half-peny whittle, instead of a Seal: with divers such like.

But some peradventure will think, that these were received in common use and custom; and that they were not the devices and pleasures of a few singular persons: such are no less deceived then they that peruse the *Charter and Writing*, that hath no Seal annexed, to be as ancient as the Conquest; whereas indeed Sealing was not commonly used till the time of King *Edw. 3.* as hath been already said.

3. Delivery, though it be set last, is not the least: for after a Deed is written and sealed, if it be not delivered, all the rest is to no purpose.

And this Delivery ought to be done by the party himself, or his sufficient *Attornies*; and so it will binde him whosoever more or scales the same: and by this last as the Deed is made perfect, according to the intent and effect of it; and therefore in Deeds the Delivery is to be proved, &c.

Thus you see, *Writing and Sealing*, without Delivery, is nothing to purpose: *Sealing and Delivery*, where there

en presens de *Magge, Maud, & Margery, & mon tierce filz Henry.*

Itē eco d' *Alberick d' Vere*, conceignant le Donation de *Hatfield*, al quel il fixe ū curt noyer-haft Cuttle, semblable al ū vieux demy-denier whittle, en steed de un Seal: ove divers tiels semblables.

Mes asc' peradventure volent pense que ceux fueront receive en common use & custom, & que ils ne fueront les devises & pleasures d' un peu singular p'os: tiels ne s'ot melmes deceivre que ils que pensont chescun Charter & Escrip, que ne ad Sigille annexe, desfre cyauntient come l' Conquest; lou ē veritie Sigillation ne fult communement use ranque al temps del Roy *Ed. 3.* come ad este dit.

3. *Deliverie*, n'ist obli' il soit mis darreign, nest l' meanest; car a ps q' ū fait soit escript & sigille, si ne soit deliver, tout le residue est a nul purpose.

Et cest *Deliverie* doit estre fait p' le Partie luy mesme, ou son sufficient Garrant; & issint il luy liera quecunque escript ou sigill ceo: & per cest darreine act le Fait est fait perfect, accordant al entent & effect de ceo; & p' c' en Faits le Liverie est desfre prove, &c.

Issint poyes veyer, *Escripture & Sigillation*, sans *Deliverie*, est a nul purpose: *Sigillation & Deliverie*, lou nest

est asc' Escripture work nul chose : Et Escripture & Deliverie, sans Sigillation, auxy fait nul Falt. Et par ceo ils tous doienc joindre concour p faire un perfect Falt.

is no writing : work nothing : And writing and Delivery, without Sealing, make no Deed. Therefore they all ought jointly to concur to make a perfect Deed.

Faitour.

Faitour est un parol q est use en le vieux repeale Statute de 7 R. 2. cap. 5. & est la prise e l' pire sense, p un Male feisor, ou un Oisif companio, & semble icy deff un Synonymon al Vagabond.

Faitour.

Faitour is a word used in the old repealed Statute of 7 R. 2. cap. 5. and it is there taken in the worst sense, for an Evil doer, or an Idle companion, and it seems there to be a Synonymon to Vagabond.

Fardingdeale.

Fardingdeale, autrement Farundel, de Terr, implia le Quart part du Acre, Crompt. Jurisd. fol. 220. b. Quadrantata terra est lie en le Regist. orig. fol. 1. b. lou vous aves auxy Denariata & Obolata, Solidata & Librata terra, que per probabilitie surderoit en proportion de quantite de Fardingdeal, come un Male, Denier, Soulz, ou Liver surdout en value & estimation ; donque Obolata est un Demy Acre, Denariata l' Acre, Solidata Douze Acres, & Librata Douze score Acres. Uncof e l' Reg. orig. fol. 94. & 248. vous poyes trove viginti Libratas terra vel redditus ; p q il semble que Librata terra est tant que dona vingt soulx

Fardingdeale.

Fardingdeal, otherwise Farundel, of Land, signifies the fourth part of an Acre, Cromptons Jurisd. fol. 220. b. Quadrantata terra is read in the Reg. orig. fol. 1. b. where you may have Denariata and Obolata, Solidata and Librata terra, which by probability must rise in proportion of quantity from fardingdeal, as a half-penny, Penny, Shilling, or Pound, rise in value or estimation ; then must Obolata be half an Acre, Denariata the Acre, Solidata Twelve Acres, and Librata Twelve score Acres. Yet in the Reg. orig. fol. 94, and 248. you may find viginti Libratas terra vel redditus ; whereby it seems that Librata terra is as much as yields twenty shillings by the year ;

year; and centum Solidatas terrarum, tenementorum, & reddituum, fol. 249. And in F. N. B. f. 87. there are these words, *Viginti Libratas terræ vel redditus*, which proves this to be so much Land as is rated at twenty Shillings by the year. See Furlong.

Farm, or Ferm.

Farm, or Ferm, is usually the chief Messuage in a Village or Town, whereto belongs great Demeans of all sorts, and hath been used to be let for term of Life, Years, or at Will.

The Rent that is reserved upon such a Lease, or the like, is called Farm, or Ferm.

And Farmer or Fermor, is he that Tenants the Farm or Ferm, or is Lessee thereof.

Also generally every Lessee for life, years, or at will, is called farmer, or fermor.

And note, That they are called Farms, or Fermes, of the Saxon word *Fecorman*, which signifies to feed; or yield *Virtual*: For in ancient time their Reservations were as well in *Virtuals* as Money; until at the last, and that chiefly in the time of King Henry the First, by agreement, the reservation of *Virtuals* was turned into ready Money, and so thenceforth hath continued amongst most men.

per l' an; & centum Solidatas terrarum, tenementorum, & reddituum, fol. 249. Et en F. N. B. fol. 87. la sont ceux parols, *Viginti Libratas terræ vel redditus*, que prova ceo destre tant Terre cōe est rate al vingt soulz p l' an. Veies Furlong.

Farme, ou Ferme.

Farme, ou Ferme, est usualment le chief Messuage en un Village ou Town, a que appartient grand Demeans de tous sorts, & ad este use destre lesee par terme de vie, ans, ou a volunt.

Le Rent que est reserve sur tel Lease, ou semble est appellee Farme ou Ferme.

Et Farmour ou Fermour est celuy que occupia le Farme ou Ferme, ou est Lessee de ceo.

Auxy genalment chesc' Lessee p vie, ans, ou al volunt, est appelle Farmour, ou Fermour.

Et nota, Que ils sont appellees Farmes, ou Fermes, del Saxon parol *Fecorman*, que signifie pur feed, ou rend *Virtual*: Car en ancient temps leur Reservations fueront cy bien en *Virtual* come Argent; tanque al darrein, & ceo principalment en le temps de Roy H. I. par agreement, le Reservation de *Virtuals*, fuit convert en redde Argent, & issint uncore ad continue entre plusieurs homes.

Fate,

Fate, ou Fatt.

Fate, ou Fatt, est un Meas-
sure mention en les Sta-
tures de 1 H. 5. cap. 10. &
11 H. 6. cap. 8. par contenir
hui& Boisseaus : mes les Ci-
tizens & Merchants de Lon-
dres (cōm appiert p ceux Sta-
tures) & les Purveiors le Roy
voilont aver ceo Measure &
un Boisseau ouster par un
Quartier; & issint il avoient
neufe Boisseaus pur un Quar-
tier de Blec.

Faux Imprisonment.

FAUX Imprisonment est un
Brief que gist l'ou home est
arrest & restraine de son Li-
berte per un autre cōcoun-
ter Order de Ley; donques
il avera vers luy cest Brief,
per que il recovers Damma-
ges. Veies plus de ceo de-
vant, tit. Arrest.

Faux Judgment.

FAUX Judgment. Veies de
ceco devant, tit. Error.

Faalty.

Faalte est un Service, ap-
pelle en Latine *Fidelitas*,
& sera fait en cest maner;

Fate, or Fatt.

Fate, or Fatt, is a Measure
mentioned in the Statutes
of 1 H. 5. cap. 10. and 11 H. 6.
cap. 8. to contain eight Bushels:
but the Citizens and Mer-
chants of London (as it ap-
pears by those Statutes) and
the Kings Purveyors would
have that measure and a
Bushel oder for one Quar-
ter; and so they had nine
Bushels for one Quarter of
Corn.

Faux Imprisonment.

FAUX Imprisonment is a writ
that lies where a man is ar-
rested and restrained from his
Liberty by another against the
order of the Law; then he shall
have against him this writ,
whereby he shall recover Dam-
ages. See more thereof before,
tit. Arrest.

Faux Judgment.

FAUX Judgment. See thereof be-
fore, tit. Error.

Faalty.

Faalty is a Service, called in
Latine *Fidelitas*, and shall be
done in this manner; viz. The

Tenant shall hold his right hand upon a Book, and shall say to his Lord; I shall be to you faithful and true, and shall bear to you Faith for the Lands and Tenements which I claim to hold of you, and truly shall do you the Customs and Services that I ought to do to you at the terms assigned; So help me God: and shall kiss the Book: but he shall not kneel, as in doing Homage. And thereof see after in the Title Homage. Also Fealty is incident to all manner of Tenures.

Fee.

FEE (Feodum) is in our Law an equivocal word of divers significations: for it is most usually taken for an Estate of Inheritance in Lands and Tenements to one and his Heirs, or to one and the Heirs of his Body. But it is used also for the Compass, Circuit or Extent of a Lordship or Mannor. And from thence comes the ordinary Plea in Bar to an Abbot, That the Land upon which he abides is out of his Fee. And thirdly, it is taken for a Reward or Wages given to one for the execution of his Office; as the Fee of a Forrester, or the Keeper of a Park, or a Sheriff's Fee for serving an Execution, limited by the Statute of 29 Eliz. cap. 4. And it is also taken

ceftascovoire, le Teñt tiendẽ la main dextre sur un Livre & dira a son Sñr, Jẽo a vous ferra foyãl & loyãl, & Foy a vous portera des Tenements que jay clãm de tenir de vous, & verãment a vous ferra les Customs & Services que fair vous doy al termes assignes; Sicome moy ayde Dieu: & basera le Livre: mes il ne genulef, comẽ en fẽsant Homage. Et de ceo veies apres en le Title Homage. Auxy Fealty est incident a tous manẽers de Tenures.

Fee.

FEE (Feodum) est en nostre Ley vox equivoca des divers significations: car est plus communement prise pur un Estatẽ del inheritance en Terres ou Tenements al un & ses heirs, ou al un & les heirs d son corps. Mes est use auxy pur le Compass, Circuit ou Extent d un Seigniorie ou Mannor. Et de ceo venust l ordinarie Plee e Barre al un Avowry, Que le Terre sur que il avow est hors de son Fee. Et tierceẽment, il est prise pur le Reward ou Salairie doñ al ũ pur l execution de son Office; cõe le Fee dun Forrester, ou le Gardẽin dun Parke, ou le Fee dun Visẽ pur l server dun Execution, come est limit per l Statute 29 El. c. 4. Et issint est auxy prise

prise par ceo Consideratiō q̄ est don al un Sergeāt al Ley, ou al un Pleader, ou un Physician, par leur-Counsel ou advise en leur p̄fession, que (come est bien observe per Sir J. Davies, en son Preface a ses Reports) nest p̄permt *Mercus*, forsique *Honorarium*. Mes uncōre en le dialect de nre Ley c' est appel son *Fee*.

for that Consideration which is given a Sergeant at Law, or a Councelloz, or a Physician, for their Counsel or Advice in their profession, which (as it is well observed by Sir Jo. Davies, in his Preface to his Reports) is not properly *Mercus*, but *Honorarium*. Yet in our Late-language it is called his *Fee*.

Fee expectant.

FEE expectant : Lou Terres sont don al homme & son feme en Frank-marriage, a aver & tener al eux & leur heires, en cest case ont Fee-simple; mes si sont don a eux & les heires de leur corps, &c. ont Taille & *Fee expectant*. *Kitch. fol. 153.*

Fee expectant.

FEE expectant : Where Lands are given to a man and his wife in Frank-marriage, to have and to hold to them and their heirs, in this case they have Fee-simple; but if they are given to them and the heirs of their body, &c. They have Tail and Fee-expectant. *Kitch. fol. 153.*

Fee Farm.

FEE Farm est, quant un Tenant tient de son Seignior en Fee-simple, rendant a luy value del moietie, ou de tierce, p̄rt, ou autre part del Terre p̄ an. Et il que tient en *Fee Farm* ne doit payer Relief, ou faire autre chose, me sicome est contein en le Feoffment, forsque Fealty, car c' appert a tous maners Tenures.

Fee Farm.

FEE Farm is, when a Tenant holds of his Lord in Fee-simple, paying to him the value of half, or of the third, fourth, or other part of the Land by the year. And he that holds by Fee-Farm, ought not to pay Relief, or do any other thing that is not contained in the Feoffment, but Fealty, for that belongs to all kind of Tenures.

Fee-simple.

Fee-simple is, when any person hath Lands or Tene, or other thing, inheritable to him and his Heirs for evermore; and these words, his Heirs, make the Estate of Inheritance; for if the Land be given to a man for ever, yet he hath but an Estate for life.

All if Tenant in Fee-simple die, his first son shall be his Heir; but if he have no Son, then all his Daughters shall be his Heirs, and every one shall have her just part by partition: but if he have no Son nor Daughter, then his next Cousin collateral of the whole Blood shall be his Heir.

Felo de se.

Felo de se, is he that commits Felony by murdering himself. See Crompt. Justice of Peace, fol. 28.

Felony.

Felony is a general term, which comprehends divers heinous Offences, for which the Offenders ought to suffer death, and lose their Lands. And it seems that they are called Felonies, of the Latine word Fel, which is in English, Gall,

Fee-simple.

Fee-simple est, quant aucun person tient Terre ou Rent, ou autre chose, inheritable a luy & ses Heires a tous jours; & ceux mots, Ses Heires, font l'Estate d'inheritance; car si Terre soit donee a hōe a tous jours, unc' il n'ad forsqu' Estat' p vie.

Auxy si Tenant en Fee-simple devie, son primer Fils sera son Heire; mes sil n'ad Fils; donque tous les Fils seront son Heire, & chescun a vera son part p pareil: mes sil n'ad Fils ne Fille, donques son prochain Cousin collateral de l'entree sanke sera son Heire.

Felo de se.

Felo de se est il que commit Felony per murdering soy mesme. Veies Crompt. Justice de Paiz, fol. 28.

Felonie.

Felonie est un general terme, q; comprehend divers heinous Offences, par que l'Offendours doient suffer mort, & perdrer leur Terres. Et semble que eux sont appellees Felonies, del Latine parol Fel, que est en Anglois Gall;

Gall, en *François*, *Fiel*; ou del ancient parol *Anglois*, *Fell*, ou *Fierce* pur ceo que sont entendz desirz faizs *fillo animo*, ove fell, fierce, ou mischievous mind. Quant home sans asc' colour de Ley emblea les biens d'un aut', amountant al value de xii deniers ou plus, ceo est *Larceny*: mes si un approcha a le Person d'un aut' en le *Haultchimn*, & luy robba de ses biens, mesque ils ne sont forsque al value de un denier, il est *Felonie*; & ceo est appel *Robberie*, & pur ceo il serra pendue.

in French, *Fiel*; or of the ancient English word, *Fell*, or *Fierce*, because they are intended to be done with a fell, fierce, or mischievous mind. When a man without any colour of Law steals the Goods of another, amounting to the value of Twelve pence or more; that is *Larceny*: but if he approaches the Person of another in the High-way, and robs him of his Goods, although it be but to the value of one penny, it is *Felony*; and that is called *Robbery*, and therefore he shall be hanged.

Fence-moys.

Fence-moys est un parol del *Forrest*, & signifie le space d 31 jours en l'an, cestasca-voire, 15 jours devant *Midsummer*, & 15 jours apres, en quel temps est prohibe pur ascun home de chaser en le *Forrest*, ou de passer en ceo pur disturber les feres. Le reason de que est, pur ceo que a ceo temps parturient *Damz*. Et p ceo cest *Moys* est appel le *Fence-moys*, ou *Defence-moys*, en que les *Dames* sont adoque desre defendz del fright ou terror. Veies *Manw. Forrest Laws*, c. 13. fol. 90. b.

Fence-moneth.

Fence moneth is a *Forrest moys*, and signifies the time of 31 days in the year, that is to say, 15 days before *Midsummer*, and 15 days after, in which time it is forbidden for any man to hunt in the *Forrest*, or to go into it to disturb the wild Beasts. The reason of which is, because the Female Deer do then *fawn*. And therefore this *Moneth* is called the *Fence-moneth*, or *Defence-moneth*, for that the Deer are then to be defended from scare or fear. See *Manwood. Forrest Laws*, cap. 13. fol. 90. b.

Feodarie.

Feodarie sult un Officer en le Court de *Gards*, ap-

Feodarie.

Feodarie was an Officer in the Court of *Wards*, appointed

pointed by the Master of that Court, by virtue of the Statute 32 H. 8. c. 46. to be present with the Escheator in every County at the finding of Offices, and to give in evidence for the King as well for the Value as the Tenure. And his Office was also to survey the Lands of the Ward after the Office found, & to return the true value thereof into the Court; to assign Dower unto the King's Widows; to receive all the Rents of the Wards Lands within his Circuit, and to answer them to the Receiver of the Court. But see the Stat. 12 Car. 2. c. 24. for Abolishing the said Court.

point ple Mr. de ceo Court, p virtue del Statute 32 H. 8. cap. 46. desire present ovesq; l'Escheator en chesc' Countie al trover des Offices, & a doner evidence pur le Roy cybien pur le Value come pur le Tenure. Et son Office suit auxy pur survey les Tr. & le Gard apres l'Office trove; & pur retourne le verie value d'eux en le Court; p alligner Dower as Vesues le Roy; pur recevoir tous les Rents des Terres les Gardes deins son Circuit, & pur eux responder al Receiver le Court. Mes viles le Stat. 12 Car. 2. c. 24. p Abolir le dit Court.

Feoffment.

Feoffment.

FFeoffment is, where a man gives Lands, Houses, or other Corporal things which are heritable to another in Fee-simple, and thereof delivers Seisin and Possession. Also if one make a gift in tail, or a lease for life, Liberty and Seisin must be given, or else nothing shall pass by the Grant.

FFeoffment est, lou un done Terre, Measons, ou riel choses corporal heriditable, a un aut' en Fee-simple, & de ceo deliver Seisin & Possession. Aux' si un fait Done en le taile, ou Lease de vie, il covient de done Liverie & Seisin; ou autrement riens passera par le Grant.

Feoffor and Feoffee.

Feoffor & Feoffee.

FFeoffor is he that infeoffs or makes a Feoffment to another of Lands or Tenements in Fee-simple: And Feoffee is he who is infeoffed, or to whom the Feoffment is so made.

FFeoffor est ce'uy que enfeoffee ou fait Feoffment a l'aut' de Tres ou Tenements en Fee-simple: Et Feoffee est ce'luy q; est enfeoffee, ou a que le Feoffment est ainsi fait.

Ferdfare.

F*erdfare*, hoc est, quietum esse de cundo in Exercitum, *Flit. l. 1. c. 47.*

Ferdwit.

F*erdwit*, hoc est, quietum esse de Muro in Exercitu facto, *Flit. l. 1. c. 47.*

Ferrie.

E*t un liberty p prescription ou grant del Roy d'aver boat pur passage sur un grand stream de caryages ou chivals & homes pur reasonable toll.*

Feude.

F*eude*, ou *Mortal Feude*, est un parol *Germanois*, & signifie un Haine emplaceable, q ne poit estre satisfie forsque ove le mort del enemle: tiel est ceo enr' les hōes d' *Scotland* & en le Nord parts d' *Angleterre*, q est un Cōbinatiō de tout le Consanguinity p le vengeance del mort d'asc' d' leur sanke sur l' *Homicide* & tout son race. Et cest pol est mention ē le *Star' d' 43 Eliz. c. 13.*

Ferdfare.

F*erdfare is, to be quite from going to war, Flit. l. 1. c. 47.*

Ferdwit.

F*erdwit is, to be quite of murder committed in the Army, Flit. l. 1. c. 47.*

Ferry.

I*s a liberty by prescription, of the Kings Grant, to have a Boat for passage upon a great stream for Carriage of horses and men for reasonable toll.*

Feude.

F*eude, or Deadly Feude, is a German word, and signifies implacable hatred, not to be satisfied but with the death of the enemy: such is that amongst the people in Scotland and in the Northern parts of England, which is a Combination of all the kindred to revenge the death of any of the Blood upon the slayer and all his race. And this word is mentioned in the Stat. of 43 Eliz. c. 13.*

Fieri

Fieri facias.

Fieri facias is a Writ judicial, and lies where a man recovers Debt or Damages in the Kings Court; & if he shall have this Writ to the Sheriff, commanding him that he levy the Debt and Damages of the goods of him against whom the Recovery is had: and it lies only within a year and a day, and after the year he must sue a Scire facias; and if the party be warned, and doth not come at the day, &c. or if he come, and can say nothing, then he who recovers shall have a Writ of Fieri facias directed to the Sheriff, that he make Execution of Judgment.

But if a man recover against a woman, and he takes a husband within the year and the day; then he that recovers must have a Scire facias against the husband.

So it is if an Abbot or Prior recover and die, his Successor, within the year shall have a Scire facias. See thereof more in the Title Scire facias, and Title Execution.

There is also another manner of Fieri facias against a Rector, where upon a general Fieri facias the Sheriff returns, quod nulla habet bona seu catala, and thereupon a Writ is directed to the Bishop of the Diocess where he is Rector,

Fieri facias.

Fieri facias est un Brief judicial, & gist lou home recovers Det ou Damages en Court le Roy; donques il avera cest Brief al Viscount, luy commandant que il leve le Det & les Damages des biens celuy vers que le Recoverie est ewe, & gist seulement deins l'an & jour, & apres l'an luy covient suer un Scire facias; & si le partie soit garnie, & ne vient al jour, &c. ou sil vient, & ne scavoit rien dire, donques celuy que recovers avera Brief de Fieri facias direct al Viscount, que il face Execution de Judgment.

Mes si home recovers vers un feme, & el prist baron deins l'an & jour; donques il covient que cestuy que recovers avera Scire facias vers le baron.

Auxy est si Abbot ou Prior recover & devie, son Successor deins l'an avera Scire facias. Vide de ceo plus en le Title Scire facias, & Title Execution.

Auxy est un autre manner de Fieri facias vers Rector, lou sur un general Fieri facias le Viscount retourne sur ceo, quod nulla habet bona seu catala, & sur ceo Brief est direct al Evêque del Diocess ou il est Rector. Et sur ceo le

Evesque levy le Debt des profits del gleab & dismes del Rectory.

and thereupon the Bishop levies the Debt of the Profits of the Gleab & Tithes of the Rectory.

Fifteenth.

Fifteenth.

Fifteenth. Veies Quinzisme.

Fifteenth. See Quinzisme.

Filazer.

Filazer.

Filazer del (parol Francois *Filace*, id est, *Fillum*) est le nomme d'un Officer en le Common Plees, des queux sont icy 14. Ils sont tous les Original Process la, & le Distress infinite sur Summons retourne en Actions personnelles, & le *Capias* sur le retourne del Nihil, & tous Briefs de View en cases lou le View est prie. Et lou le Appearance est ove eux, ils enter l'Imparance, & le general Issue en common Actions, & Judgments per Confession devant Issue joyne, & sont Briefs d'Execution sur eux. Et ils sont Briefs de *Superedeas* apres *Capias* agard, quant le Defendant appeare en leur Office. Et cest Officer est mention en les Statutes de 10 H. 6. c. 4. & 18 H. 6. c. 9.

Filazer (of the French word *Filace*, id est, a *Thread*) is the name of an Officer in the Common Pleas, of which there are 14. They make out all the Original Process there, and the Distress infinite upon Summons returned in personal Actions, and the *Capias* upon the return of Nihil, and all Writs of Writ, in cases where the Writ is prayed. And where the Appearance is with them, they enter the Imparance, and the general Issue in common Actions, and Judgments by Confession before Issue joyned, and make out Writs of Execution upon them. And they make Writs of *Superedeas* after a *Capias* awarded, when the Defendant appears in their Office. And this Officer is mentioned in the Statutes of 10 H. 6. c. 4. & 18 H. 6. c. 9.

File.

File.

File (*Filacium*) est *Fi'um* vel *Chorda* qua Brevia & alia Causis Exhibita trans-

File (*Filacium*) is a *Thread* or *Wires* upon which Writs and other Exhibits in Courts are put, for

for the safer keeping of them together.

cluntur, pro meliori conseruatione eorundem.

Finders.

Finders is a word used in many Statutes, as in 14 R. 2. c. 10. 17 R. 2. c. 5. 1 H. 4. c. 13. and 31 H. 6. c. 5. and seems to be all one with those Officers which we now call Searchers, imploied for the discovery of Goods which are imported or exported without paying Custom.

Finders.

Finders est un poſ mention ē mults Statutes, come en 14 R. 2. c. 10. 17 R. 2. c. 5. 1 H. 4. c. 13. & 31 H. 6. c. 5. & ſemble deſſſr rōut un ove ceux Officere queux ore nous appello-mus *Scrutators*, imployes p̄ le Trover des biens imports ou exports ſans prayer del Cuſtō.

Fine.

Fine ſometimes is taken for a Sum of money which one is to pay to the King for any Contempt or Offence; which Fine every one that commits any Trespals, or is convict that he ſaſſly denies his own Deed, or did any thing in contempt of Law, ſhall pay to the King: which is called Fine to the King.

Sometime a Fine is taken for a final Agreement which is had between any persons concerning any Land or Rent, or other thing, whereof any Suit or Writ is between them hanging in any Court; which may be divers ways: One is, when any party acknowledges that to be the right of the other, as that he hath of the Gift of him that made the Recognizance, which always supposes a Feoffment going before, and is called a Fine

Fine.

Fine asc' ſoits eſt priſe pur un Summe d'argent quel asc' eſt de payer al Roy p̄ aſcū contempt ou offence; quel Fine cheſc' q; cōmīt aſc' Trespals, ou que eſt cōvict que il fauxmēt denie ſon fait, ou ſe ſoit aſcun choſe en contempt de Ley, payera al Roy: que l eſt appel *Fine al Roy*.

Aſcun ſoits *Fine* eſt priſe pur un final Concord quel eſt ewe enter aſcuns perſons touchant aſc' T're ou Rent, ou autre choſe, dont aſc' Suit ou B'reſt eſt enter eux pendant en aſc' Court; quel poſt eſte en divers manners. L'un eſt, quant l'un parle reconuſt ceo eſſſſ le droit del aut', cōe ceo que il eſt del Done ceſtuy que ſeſoit le Reconuſans, quel rōuts ſoits ſuppoſe un Feoffment precedent, & eſt dit

dit *Fine extente* : Ou si il reconuist ceo desirer le droict del auter, ommittant les parols (come ceo que il eit de son *Dont*) c' esteant *Fine* sur conuissans de droict tant, si soit levie a cestuy que eit le Frank-tenement del Terre, est *Fine* sur Release.

Si cestuy que ceo conuist est fesse, & celuy a que est levie n'eit le Frank-tenement del Tre, donques est dit *Fine extensorie*, quel cestuy a q; le Tre est conus poist excecuer per *Entris*, ou *Scire facias*.

Ascun foits tiel *Fine* sur conuissance de droict tantum est p faire un Surrender : lou en ceo est repeat, q' le Reconusor eit Estate p vie, & l'aut' en Reversion.

Ascun foits ceo est ewe de passer un Reversion, lou particular Estate est recte desir' en auter, & que le Reconusor voit que l'auter avera le Reversion, ou que le Terre remaine al auter apres le particular Estate finie.

Et ascun foits celuy a q; le droict est conus, come ceo q; il ad del *Dont* le Reconusor, rendra le Tre ou li Rent hors de ceo al Conusor. Et ceo asc' foits pur l'entree Fee; ascun foits pur un particular Estate, ove Remainder ou Remainders ouster; & asc' foits ove Reservation d Rents ove Distresse & Grant d ceo ouster per meisme *Fine*.

Est appel *Fine*, quia p ceo

executed : Or if he acknowledged that to be the right of another, omitting these words (co'e ceo que il eit de son *Dont*) this being a *Fine* upon acknowledging of right only, if it be letted to him which hath the Freehold of the Land, is a *Fine* upon a Release.

If he that acknowledged it is fesse, and he to whom it is letted hath not the Freehold of the Land, then it is called a *Fine excoratory*, which is to whom the Land is acknowledged may execute by *Entry*, or *Scire facias*.

Sometime such a *Fine* sur conuissance de droict only is to make a Surrender: wherein is rehearsed, that the Reconusor hath an Estate for life, and the other a Reversion.

Sometime it is taken to pass a Reversion, where a particular Estate is recited to be in another, and that the Reconusor will that the other shall have the Reversion, or that the Land shall remain to another after the particular Estate spent.

And sometime he to whom the right is acknowledged, is that which he hath of the Gift of the Reconusor, shall yield the Land, by a Rent out thereof to the Conusor. And that sometime for the whole Fee; sometime for one particular Estate with Remainder or Remainders over; and sometime with Reversion of Rents with Distress and Grant thereof over by the said *Fine*.

It is called a *Fine*, because thereby

thereby the Suit is ended ; and if it be recorded with Proclamation, according to the Statute 4 H. 7. it bars Strangers.

Fine force.

Fine force, signifie un absolute Necessite ; as when a man is compelled to do that which he can no way avoid, we say he doth it de Fine force. So this word is used in Perk. sect. 321. in Muntel and Woodlands Case, in Plowden, f. 94. b. and in Eatons Case cited in Foxlys Case in the 6 Rep. f. 111. 2.

Finors.

Finors are those that purifie Gold and Silver, and part them by fire and water from coarser Metals ; and therefore in the Statute of 4 H. 7. c. 2. they are also called Parters.

Fire-bore.

Fire-bore is necessary Wood to burn, which, by the Common Law, Lessee for years or for life may take in his Ground, although it be not expressed in his Lease ; and although it be a Lease by Word only, without Writing : But if he take more then is needful, he shall be punished in Waste.

le Suit est determine ; & si ceo soit record avec Proclamation, selonque le Statute 4 H. 7. ceo barre Estrangers.

Fine force.

Fine force, signifie un absolute Necessite ; sicce l'homme est contraindre à faire une chose le quel ne peut par autre voy avoid, nous disoient qu'il fist c' de Fine force. Et issint cest pol est usee en Perk. sect. 321. en Woodland & Mantels Case, en Plowf. 94. b. & en Eatons Case citee en Foxlys Case en le 6. Re. f. 111. a.

Finors.

Finors sont ceux qui purifient Or & Argent, & eux sever per feu & eau del Metals plus base & vile ; & pur ceo en le Statute de 4 H. 7. c. 2. sont auxy appels Parters.

Fire-bote.

Fire-bote est necessary Boys pour arder, quel, par le Common Ley, Lessee pour ans ou pour vie peut prendre en son Terre, nient obstant il ne soit expresse en son Lease ; & nient obstant il soit un Lease par Parol tantum sans Escript : Mes si il prist plus que besoigne, il serra punie en Waste.

Fire-

First-fruits.

First-fruits (*Primitiæ*) sont les Revenues de chescun Spiritual Benefice par un an, queux e runcient temps fueront dones al Pape, mes p le Statute de 26 H. 8. c. 3. sont ore transferres al Roy.

Fledwite

Fledwite est, quietum esse de Amerciamentis, cū quis velatus Fugitivus veniat ad Pacem Domini Regis sponte vel licenciatus.

Flemeswite.

Flemeswite est, quod habeatis Catalla five Amerciamini hominis vestri Fugitivi.

Fletwit.

Fletwit, ou Flitwit, est, quietum esse de Contentione & Cōvictis, & quod habeatis Placitum inde in Curia vestra, & Amerciamenta; car Flit Anglice est Treason Gallice.

Floatsam.

Floatsam, ou Flotson est, quam un Niese est submergere ou auterment perish, & les biens float sur la Mere, & ils sont dones al Seignour

First-fruits.

First-fruits (*Primitiæ*) are the Profits of every Spiritual Living for a year, which were anciently given to the Pope; but by the Statute of 26 H. 8. are now transferred to the King.

Fledwite.

Fledwite is, to be quit from Amerciaments, when an outlawed fugitive comes to the Kings Peace of his own will, or being licensed.

Flemeswite.

Flemeswite is, that you may have the Cattel or Amerciaments of your fugitive man.

Fletwit.

Fletwit, or Flitwit, is, to be quit from Contention and Convicts, and that you may have a Plea thereof in your Court, and the Amerciaments; for Flit in English is Treason in French.

Floatsam.

Floatsam, or Flotson, is, when a Ship is sunk, or otherwise perished, and the Goods float upon the Sea, and they are given to the Lord Admirall by his Letters

Letters Patents. See Cok.lib.
5. fol. 106.

Admiral p ses Letters Patents.
Veles Cok lib. 5. fol. 106.

Fold, Fould-course.

Fold, Fould-course.

Fold, Fould-course, In Latine
Falda, & Faldz, Is Common
for Sheep. See Shack. Co. Ent.
14, 15. Coke 2. Rep. 125. 1 Cro.
Rep. Spooner and Day.

Fold, Fould-course, en Latine
Falda, & Falde cursus, est
commun p barbitz, vid. Shack. &
Co. Ent. 14, 15. Co. 2. Rep. 125.
1 Cro. Rep. Spooner & Day.

Folkmoot.

Folkmoot.

Folkmoot signifies (according
to Lambert in his Exposi-
tion of Saxon words) two
kinds of Courts; one now cal-
led the County Court, the other
the Sheriffs Tourne. And in Lon-
don it signifies at this day cele-
brem ex omni Civitate Conventu.
Stows Survey.

Folkmoot signifie (selon Lam-
bert en son Exposition del
Saxon parols) deux kinds del
Courts; l'un ore appel le
County Court, l'autre le Sheriffs
Tourne. Et en Londres il sig-
nifie a cest jour celibrem ex
omni Civitate Conventum. Stows
Survey.

Footgeld.

Footgeld.

Footgeld is an Amerciament
for not cutting out the
Balls of great Dogs feet in the
Forrest, for which see Expedi-
tate: And to be quit of Footgeld
is a priviledge to keep Dogs
within the Forrest unlabeled
without punishment or controll.
Crompt. Jurisd. fol. 197. Manwood,
part. 1. pag. 86.

Footgeld est un Amerciament
p nient predrant hors les
Bals des pees d'grand Chiens
en l'Forrest, p que veies Ex-
peditate: Et desir quit de Foot-
geld est un priviledge de aver
Chiens Irregular deins l' For-
rest sans paine ou controlle
Crompt. Jurisd. fol. 197. Man-
wood, part. 1. pag. 86.

Forcible Entry.

Forcible Entry.

Forcible Entry is a Violent
actual Entry into House or
Land; or taking a Distress

Forcible Entry est un Vio-
lent actual Entrée en
Maison ou Terre; ou prend
Distress

Distres oves armes, soit q'il
offer Violence ou nemy. *vest*,
par. 2. Symb. tit. Inditment,
Sect. 65.

Weapons, whether he offer
Violence or no. *West*, part
2. Symb. tit. Inditments, Sect.
65.

Forest, ou Forrest.

Forest est un lieu privi-
ledge p authorite Royal,
ou per Prescription, pur le
peaceable abode & nourish-
ment del Beasts, ou Oiseaux
del Forrest, pur le disport del
Roy : Par q'x ont este en an-
cient temps certaine pecu-
liar Officers, Leyes & Or-
ders, part de q'x appearont
en le grand Charter de le
Forrest.

Forest, or Forrest.

Forest is a place privileged
by Royal Authority, or by
Prescription, for the peace-
able abiding and nourishment of
the Beasts or Birds of the For-
rest, for disport of the King :
For which there have been in
ancient time certain peculiar
Officers, Laws and Orders,
part of which appear in the
great Charter of the For-
rest.

Forester.

Forester est un Officer del
Forest, que est jure pur p-
serve le Vert & Venison
del Forest, pur attendre sur
les Feres delns son Bayliwick
d'eux veiller & sagement gar-
der, per jour & per nuit, pur
attacher tous Offendours la ou
en Vert ou en Venison, &
eux de presenter as Courts
del Forest, al intent q' soient
esire la punies solongue leur
Delicts.

Forester.

Forester is an Officer of the
Forest, sworn to preserve the
Hert and Venison of the
Forest, to attend upon the wild
Beasts within his Bailiwick,
to watch and keep them safe by
day and by night, to appre-
hend all Offenders there in
Hert or Venison, and to pre-
sent them at the Courts of the
Forest, to the end they may be
punished according to their Of-
fences.

Forfeiture del Mar- riage.

Forfeiture del Marriage fuit
un Brief que estoit p le
Seignior en Chivalry vers

Forfeiture of Mar- riage.

Forfeiture of Marriage was a
Brief that lay for the Lord
by Knights Service against his

his Ward, who refused a con-
venient Marriage offered him by
his Lord, and married ano-
ther within age without the
assent of his Lord. And see
for this Fitz. N. B. fol. 141. g.
20.

son Gard, q; refuse un conve-
nable Marriage tender a luy
per son Seignior, & deins
age marrie un autre sans
l' assent son Seignior. Et
veies pur ceo Fitz. N. B. fol.
141. g. &c.

Forger of false Deeds.

Forger des faux Faits.

Forger of false Deeds comes
of the French word Forger,
which signifies to frame or
fashion a thing, as the Smith
doth his work upon his Anvil.
And it is used in our Law for
the fraudulent making and
publishing of false writings to
the prejudice of another mans
right. Fitz. in his F. N. B. l. 96.
B. C. says that a Writ of Deceit
lies against him that thus forges
any Deed.

Forger des faux Faits venust
de pol Francois Forger, que
signifie Fabricare, framer &
fashioner, come un Forgeron
son ouvrage sur le Enclume.
Et est use in nostre Ley, pur
l' fraudulent sealance & pub-
lisher de faux Faits al preju-
dice del droit d'un autre. Fitz.
en son N. B. fol. 96. B. C. dit
que Briel d' Disceit gist vers
celuy que issint forge aucun
fait.

Forjudger.

Forjudger.

Forjudger is a Judgment giv-
en in a Writ of Mesne,
brought by a Tenant a-
gainst a Mesne Lord, who should
acquit the Tenant of Services
demanded by the Lord above,
of whom the Tenement is hol-
den, and the Mesne will not
appear; then Judgment shall
be given, that the Mesne Lord
shall lose his Seignory, and
that the Tenant from thence-
forth shall hold of the Lord a-
bove by such Writs as the
Mesne held before, and shall be

Forjudger est un Judgment
done en un Briel de Mesne,
port per un Tenant envers le
Mesne Seignior, q; doit ac-
quiter le Tenant des Services
demandes per le Seignior pa-
ramount, de que le Tenesse
est tenu, & le Mesne ne volle
appear; donques Judgment
serra done, que l' Mesne Sâr
perdra son Seignorie, & que
le Tenant dilonques tiendra
del Seignior paramount per
dels Services come le Mesne
tenoit devant, & serroit dis-
charge

charge del Services qu'il rendoit al Meſne, per le Statute de *West. 2. cap. 9.* q est appel un *Forjuder*.

Et auxy si un Attorney ou autre Officer en aucun Court solte ouſte & prohibite de user ceo, il est dit destre *forjude* le Court.

discharged of the Services which he yielded to the Meſne, by the Statute of *Westm. 2. ca. 9.* which is called a *Forjuder*.

Also if an Attorney or other Officer in any Court be put out and forbidden to use the same, he is said to be *forjudged* the Court.

Formedon.

Formedon est un Brief, & gist sou Tenant en le talle inſcoſſa un Estrang, ou est disſeſſe, & devie; son Heire a vera Brief de *Formedon* p. recover le Terre. Mes sont trois Briefs de *Formedon*. Un est en le *Diſcender*, & ceo est en le case avantdit. Auxy si un done Terre en le talle, & pur default de issue le Remainder a un aut' en le talle, & que pur default de tlel issue le Terre revertera al Donor; si le primer Tenant en le talle devie sans issue, cestuy en le Remainder avera un Brief de *Formedon* en le Remainder: Mes si le Tenant en le talle devie sans issue, & cestuy en le Remainder auxy devie sans issue, donques l'Donor ou ses heires avera un *Formedon* en le Reverter.

Forrein.

Forrein est un parol adjective use, & joyne ove

Formedon.

Formedon is a *Writ* that lies where Tenant in tail inſcoſſes a Stranger, or is disſeſſed, and dies; his Heir shall have a *Writ* of *Formedon* to recover the Land. But there are three manner of *Formedons*. One is in the *Diſcender*, and that is in the case before said. And if one give Land in the tail, and for default of Issue the Remainder to another in the tail, and that for default of such Issue the Land shall revert to the Donor; if the first Tenant in tail die without Issue, he in the Remainder shall have a *Formedon* in the Remainder: But if the Tenant in the tail die without Issue, and he in the Remainder also die without Issue, then the Donor or his heirs shall have a *Formedon* in the Reverter.

Forrein.

Forrein is a word adjectively used, and joyned with verbs

vers Substantives: as For-
rein matter triable in another
County, Pl. Cor. 154: or matter
done in another County, Kitch.
fol. 126.

Forrein Pleas a refusal of the
Judge as incompetent; be-
cause the matter in hand was
not within his Jurisdiction,
Kitch. fol. 73. & Anno 4 H. 8.
cap. 2. & Anno 22 ejusdem cap. 2.
& 14.

Forrein Answer is such an An-
swer as is not triable in the
County where it is made, Anno
15 H. 6. cap. 5.

Forrein Service is such Ser-
vice whereby a Man Lord
holds over of another without
the compass of his own Fee, Bro.
tit. Tenures, fol. 251. num. 12.
& 28. and Kitch. fol. 209. Or
else that which a Tenant per-
forms either to his own Lord,
or to the Lord above him out of
the Fee. For of such Services
Bracton. lib. 2. cap. 16. num. 7.
speaks thus:

Also there are certain Servi-
ces which are called *Forrein*,
though they be named and
express'd in the Charter of Fe-
offment, and may therefore be
called *Forrein*, because they ap-
pertain to our Lord the King,
and not to the chief Lord, un-
less when he goes in Service
in Person, or that he satisfies
our Lord the King for the Service
by some kind of means; and they
are performed at certain times,
when occasion and necessity re-
quire, and they have divers & sun-

divers substantives, as come
Forrein matter triable en aut'
Countie, Pl. Cor. 154: ou matt'
fait en auter Countie, Kitch.
fol. 126.

Forrein Plea est un refusal
del Judge come incompetent,
pur ceo que le matter depen-
dant ne suit deins ses Limites,
Kitch. fol. 73. & Anno 4 H. 8.
cap. 2. & An. 22 ejusdem c. 2.
& 14.

Forrein Respons est tiel Re-
spons que nest triable en le
County ou il est fait, Anno
15 H. 6. cap. 5.

Forrein Service est tiel Ser-
vice p q un Mesne Sür tient
ouster d'un aut' dehors le cir-
cule d son fee demesne, Bro.
tit. Tenures, fol. 251. num. 12.
& 28. & Kitch. fol. 209. Ou
auterment ceo que un Tenant
performe ou a son Sür de-
mesne, ou al Sür Paramount
hors del fee. Car de tiels
Services Bract. lib. 2. cap. 16.
num. 7. issint parle:

*Item sunt quedam Serv. que
dicuntur Forinseca, quamvis
sunt in Charta de Fioffamento
expressa & nominata, & que
ideo dici possunt Forinseca,
quia pertinent ad Dom. Regem,
& non ad Dominum Capitem,
nisi cum in propria persona pro-
fuerit fuerit in Servitio, vel nisi
cum pro Serv. suo satisfecerit
Domino Regi quocunque modo;
& fiunt in certis temporibus,
cum casus & necessitas even-
rit, & varia nomina habent &
diversa: Quandoq; enim nomi-
nantur*

natur Forneica, large sumpto vocabulo, quod Servitium Domini Regis, quandoque Scutagium, quandoque Servitium Domini Regis; & ideo Forneica cum dicto potest, quia fit & capitur foris, hoc extra Servitium quod fit Domino Capitali. Vetus Bro. Tenures 28, 99.

Fornein Service semble deestre Service de Chivalier, ou Escuage non certain, Perkins, fess. 650.

Fornein Attachment est un Attachment des biens de Forneiners deins aucun Franchise ou Citee, p^r le satisfaction de asc^t Citizen a que le dit Forneiner doit argent.

Fornein Apposer est un Officier en le Exchequer, a que tous Viscounts & Balliffs viendront, p^r luy deestre appose de leur Greene wax: Et de ceo il trect un charge sur le Viscount ou Balliff al Clerk del Pipe.

Forfechoke.

Forfechoke semble de signifier si moult come forsaken, en nostre modern language: Il est especialement uic Anno 10 Ed. 1. c. unico, p^r Tres ou Tenements seise p^r le S^r, p^r default del Services due a son Tenant, & issint quiete t^rsi & possesse passe le an & jour.

dry names: For sometime they are called Forreis, the word taken largely: as to the Kings Service, sometime Escuage, sometime Service of the King; and it may therefore be called Fornein, because it is done and taken without; or beside Service done to the Lord Paramount. Vetus Bro. Tenures 28, 99.

Fornein Service seems to be Angles^r Serchery, or Escuage uncertain, Perkins, fess. 650.

Fornein Attachment is an Attachment of the Goods of Forneiners within any Liberty or Citee, for the satisfaction of any Citizen to whom the said Forneiner owes money.

Fornein Apposer is an Officer in the Exchequer, to whom all Sheriffs and Balliffs do repair, by him to be apposed of their Green Wax: And from thence he takes upon a charge upon the Sheriff or Balliff to the Clerk of the Pipe.

Forfechoke.

Forfechoke seems to signify as much as Forsaken, in our modern Language: It is especially uic Anno 10 Edw. 1. cap. unico, for Lands or Tenements seised by the Lord, for want of Services due from his Tenant, and is quietly held and possessed beyond the year and day.

Fore-

Forefaller.

Forefaller, is he that buys
Corns, Cattell, or other Merch-
chandise, whatsoever, by
the way as it comes to Mar-
kets, Fairs, or such like pla-
ces to be sold, to the intent to
sell the same again at a more
high and dear price, in prejudice
of the Common-wealth and
people, &c.

The pain for such as are
convict thereof is, for the first
time, two months Imprison-
ment, and loss of the value of
the thing sold.

The second time, Imprison-
ment by the space of half a year,
and loss of double value of the
Goods, &c.

The third time, Imprison-
ment during the Kings plea-
sure, and Judgment of the Ju-
dges, and to forfeit all his Goods
and Chattels. See the Statute
5 Ed. 6. cap. 14.

Forefall.

Forefall is, to be quit of A-
merciaments and Cattels ar-
rested within your Land,
and the Amerciaments thereof
coming.

Founder.

Founder is he that uses the
Bre of Spelling or Dissol-

Forefaller.

Forefaller, est celuy que
schar Bles, Avers, ou aut
Merchandise quecunque,
p le chemin qut il vient al
Markets, Faires ou tiels semble
lieux destre vende, al entent a
vender ceo al un plus hault
& chare price, en prejudice
de le Commonweale & gentis,
&c.

Le Penalie p ceux queux
sont convict de ceo est, le pri-
mer temps, Imprisonment p
deux moys, & pd de le va-
lue del chose vende.

Le second temps, Imprison-
ment per le space de demy
an, & perd de double value
des biens, &c.

Le tierce temps, Imprison-
ment durant le pleasure le
Roy, & jugement del Pallory,
& forfeit d tous ses biens &
chareux. Veies le Statute
5 Ed. 6. cap. 14.

Forefall.

Forefall est, quietum esse
de Amerciaments & Ca-
tal' arrestatis infra Terram
vestram, & Amerciamta lode
provenientia.

Founder.

Founder est celuy que use
l'art d Amolir ou dissol-

ver Metals, & de fair ascuu choses d'eux per jecter en Molds. Semble daver son noime del Latin parol *Fundere*, & est mention en le Stat. de 17 R. 2. cap. 1.

Fourcher.

Fourcher est un devise use a delayer l'Plaintiff ou Demandant en un Suit envers deux, l'un a ceo ne sont d'respondre, l'autre ambideux appareare, & l'Appearance ou Effoigne d'un de eux volle excuser le Defaut del aut' a cel jour; & eux agreea, que l'un de eux solement sera effoine ou appareara al un jour, & pur default del Appearance del aut', avoit jour ouster de apparear, & l'aut' pte avera mesme le jour; & a c' jour l'autre volle apparear ou estre effoine, & celui q' devant ap eart ou fult effoine ne volle donques apparear, p' ceo q' il eseroit daver aut' jour p' le Adjournment del partie q' donques applert ou est effoine. Ceo est appel *Fourcher*, & en ascuns cases le mischiesse p' ceo est remedié p' le Statute de Gloucest. cap. 10. & Westm. 1. cap. 42.

Franchise.

Franchise est un pol *Franchis*, & signifie une Ley de liberte ou exemption d'

ving Metals, and making any thing thereof by casting in Molds. He seems to have his name from the Latin word *Fundere*, and is mentioned in the Statute of 17 R. 2. cap. 1.

Fourcher.

Fourcher is a device used to delay the Statute of Demandant in a Suit against two, who thereto are not to answer till they both appear, and the Appearance of one will excuse the others Default at that day; and they agree, that the one shall be effoined or appear one day, and for lack of the Appearance of the other, have day over to appear, and the other party shall have the same day; and at that day the other will appear or be effoined, and he that appeared or was effoined before will not then appear, because he hoped to have another day by the Adjournment of the party who then appeared or was effoined. This is called *Fourcher*, and in some cases the mischief thereby is remedied by the Statute of Gloucest. cap. 10. and Westm. 1. cap. 42.

Franchise.

Franchise is a French word, and signifies in our Law an Immunity or Exemption from ordinary

Ordinary Jurisdiction; as for a Corporation to hold Pleas within themselves to such a vertue, and the like. See of this in the Old Nat. Brev. fol. 4. a, b.

Franchise Royal.

Franchise Royal is, where the King grants to one and his Heirs that they shall be quit of Toll, or such like.

Free Almes.

Free Almes is, where in ancient times Lands were given to an Abbot and his Convent, or to a Dean and his Chapter, and to their Successors, in pure and perpetual Almes, without expressing any Service certain; this is Frank-almoigne; and such are bound before God to make Orisons and Prayers for the Donor and his Heirs, and therefore they do so Fealty; and if such as have Lands in Frank-almoigne perform no Prayers nor Divine Service for the Souls of the Donors, they shall not be compelled by the Donors to do it, but the Donors may complain to the Ordinary, praying him that such negligence be no more, and the Ordinary if right ought to redress it.

But if an Abbot, &c. holds Lands of his Lord for certain Divine Service to be done,

Ordinary Jurisdiction; cō p un Corporation de pñ Pleas deins eux mesmes a tiel value, &c. Veies de ceo en l'Vint N. B. fol. 4. a, b.

Franches Royal.

Franches Royal est, lou le Roy grant al un & a ses heires que ils serf quit de Tolū, vel hujusmodi.

Frank-almoigne.

Frank-almoigne est, lou en ancien temps Terres furent dones a un Abbot & son Convent, ou a un Deane & a le Chapr, & a leur Successeurs, en pure & ppetual Almoigne, sans expreller aucun Service certain; ceo est Frank-almoigne; & ils sont tenus devant Dieu, de fair Orasons & Prayers pur la Donor & ces Heires, & pur ceo ils ne ferront Fealtrie: & si tiels ont Terres en Frank-almoigne ne font aucun Prayers ne Divine Service pur les Ames le Donors, ils ne ferront p les Donors a ceo compelles, mes les Donors poyent complaince al Ordinarie, luy preyant que tiel negligence ne soit plus avant, & l'Ordinarie d droit c' doit faire.

Mes si un Abbe, &c. tiēt Trs de son Sür pur certain Divine Service desli fair, cōc d chā

ter chefe' Venderdie ū Masse,
ou de faire auter chose cer-
tain; si tiel Divine Service
ne soit fait, le S^r p^oit di-
stain, & en tiel case l' Abbe
dolt faire a le S^r Fealtie :
& p^oco il nest pas dit T^oure
en Frank-almoign, mes Tenure
per Divine Service ; car nul
p^oit tener en Frank-almoigne,
si soit expresse afean certain
Service.

as to sing every Friday a
Mass, or do some other thing ;
if such Divine Service be
not done, the Lord may dis-
train, and in such case the Ab-
bot ought to do fealty to the
Lord : and therefore it is not
said Tenure in Frank-almoign,
but Tenure by Divine-Service ;
for none can hold by Frank-al-
moign, if any certain Service
be expressed.

Franke Bank.

Franke Bank sont Cop-
hold-terres que le feme,
estant espouse un Virgin,
ad apres le mort sa baron p^o
sa Dower, Kitch. fol. 102. Bract.
lib. 4. tract. 6. cap. 13. num. 2.
ad ceux p^ois ; *Consuetudo est
in partibus illis, quod uxores
maritorum defunctorum habeant.*
*Francum Bancum de Terris
Socmanorum, & tenent no-
mine Dotis.* Fitz. appel c' un
Custome, p^o q^o en aucuns Ci-
ties le feme avera tous les
Terres de sa baron p^o sa Dow-
er, N. B. fol. 150. Veles Plow.
fol. 411.

Frank Bank, or Free Bench, are
Cophold-Lands, which the
Wife, being married a Virgin,
hath after the decease of her hus-
band for her Dower, Kitch. f. 102.
Bract lib. 4. tract. 6. cap. 13. num.
2. hath these words ; There is a
custom in those parts, that the
Wives, their Husbands being dead,
should have Frank Bank of Lands
of Sockmans, and hold it in
name of Dower. Fitz. calls this
a Custome by which in some
Cities the Wife shall have all
the Lands of her Husband for
Dower, N.B. fol. 150. See Plow.
fol. 411.

Franke Chase.

Franke Chase est un Fran-
chise, p^o q^o tous homes ay-
ant T^oe deins cel cōpasse sōt
phibit de succider le Bois, ou
discover, &c. sans le view del
Forrester, mēt obstant q^o soit
sō demesn. Crom. Juris. f. 187.

Frank Chase.

Frank Chase is a Liberty, by
which all men having Land
within this compass are prohib-
ited to cut down the Wood, or
discover, &c. without the view
of the Forrester, although it be
his own. Crom. Jur. f. 187.

Frank

Frank Fee.

TO hold in Frank Fee, is, to hold in Fee-simple Lands pleadable at the Common Law, and not in ancient Demesne.

Frank Law.

FRank Law: See *Crom. Just. of Peace*, f. 151. Where you may see what this is by the contrarie: for he that for an offence, as Conspiracy, loses his Frank Law, is said to fall into these *Witchets*. First, that he shall never be Impanelled upon any Jury or Vengeance, or otherwise used in saying any Truth: 2^d, if he have any thing to do in the Kings Court, he shall not approach thither in person, but must appoint his Attourney: 3^d His Lands, Goods and Chattels are to be seised into the Kings hands, and his Lands must be estrepped, his Trees rooted up, and his Body committed to prison.

Free Marriage.

Free Marriage is, when a man seised of Land in Fee-simple gives it to another man and his wife, who is the daugh-

Frank Fee.

Then in Frank Fee is, a ten en Fee-simple T^{er}s pleadable a la Common Ley, & nient en Ancient Demesne.

Frank Ley.

Frank Ley: Veies *Crom. Just. de Peace*, f. 151. ou vous poys trove q^e c'est per le contrarie: car celuy qⁱ p^r un offence, come Conspiracie, perde son Frank Ley, est dit de cad en ceux males. 1. Que il ne unques serra impanel sur asc' Jurie ou Assise, ou auterment use en disant asc' volentie: Auxy sil ad asc' chose a faire en le Court le Roy, il ne ceo venia en person, mes covient a design son Attourney: 3. Ses Terres, Biens & Chateux sont destre seise en les maines le Roy, & ses Terres serroint estreape, les Arbres radiccate, & son Corps commise al prison.

Frank Marriage.

Frank Marriage est, q^unt un home seise de Terre en Fee-simple doe ceo al aut^e home & sa feme, qⁱ est fille,

soer, ou autrement de kin al Donor, in *Frank-Mariage*, per vertue de queux parols ils ont un Estate en special taillo, & tiendf. le Terre del Donor quire d tous maners des Services, tanque le quart degre soit passe, accountant eux mesmes à l'prim degre; si non Fealtie, queux ils seront, sur ceo q est Incident a tous Tenures, forsque *Frank-almoigne*. Et tel Done poit estre fait cybien apres Mariage solemnize, come devant. Et home poit done Tere a son firs en *Frank-Mariage*, cybien come a son File, per le opinion de *Pitchebert* en son *Ble de Champsey*, H. not 220.

Mes il applert autrement en *Littleton*, & en *Brok*, in *Frank-mariage*, pla. 10. Et issint il fuit tenuz clere en *Grays Inn* en Lent, an. 1376. 18 *Alper M. Rhodes*, donques Lectur la.

Frank-pledge

F*Rank-pledge* signifie un Pledge ou Suretie par Frank homes, solonque le ancient Custom de *Anglterre*, pur preservation del publique Paix. Veles le Stat. pur *View de Frank-pledge*, Anno Ed. 2. & Veles *View de Frank-pledge*.

ter, suster, or otherwise of kin to the Donor in Free Marriage by virtue of which words they have an Estate in special tail, and shall hold the Land of the Donor quit of all manner of Services, until the fourth degree be past, accounting themselves in the first degree; except fealty, which they shall do, because it is incident to all Tenures, saving free alms. And such Gift may be made as well after Marriage solemnized, as before. And a man may give Land to his Son in Free Marriage, as well as to his Daughter, by the opinion of *Fitzh.* in his *Ways of Champsey*, H. not 220.

But it appears otherwise in *Littleton* and in *Brok*, in *Frank-mariage*, pla. 10. And so it was holden cleare in *Grays Inn* in Lent, an. 1376. 18 *Alper M. Rhodes*, then Reader there.

Frank-pledge

F*Rank-pledge* signifies a Pledge or Surety for Free-men, or according to the ancient Custom of England, for preservation of the publick Peace. See the Statute for *View of Frank-pledge*, Anno 18 Ed. 2. and see *View of Frank-pledge*.

Free-

Free-hold.

Free-hold is an Estate that a man hath in Lands or Tenements, or Profit to be taken in Fee-simple, Tail, for term of his own or anothers life, in Dower, or by the Courtelle of England: and under that there is no Free-hold; for he that hath Estate for years, or holds at will, hath no Free-hold, but they are called Chateles.

And of Free-holds there are two sorts; viz. Free-hold in Deed, and Free-hold in Law.

Free-hold in Deed is, when a man hath entred into Lands or Tenements, and is seised thereof really and actually: As if the Father seised of Lands or Tenements in Fee-simple dies, and his son enters into the same as heir to his Father, then he hath a Free-hold in Deed by his Entry.

Free-hold in Law is, when Lands or Tenements are descended to a man, and he may enter into them when he will, but hath not yet made his Entry in Deed: As in the case aforesaid, if the Father, being seised of Lands in Fee, dies seised, and they descend to his Son, but the Son hath not entred into them in Deed, not before his Entry he hath a Free-hold in Law.

Frank-Tenement.

Frank-Tenement est un Estate que home ad en Terfs ou Tenements, ou Profit a prendre en Fee-simple, taile, p terme de son vie demesne ou daur' vie, en Dower, ou p le Curte'e d'Angleterre: & south ceo il nest Frank-tenement; car il que ad Estate sans, ou tient a vol', nad alc' Frank-tenement, mes ils sont appels Chateles.

Et de Frank-tenement il y ad deux sorts, viz. Frank-tenement en fait, & Frank-tenement en Ley.

Frank-tenement en fait est, qnt un home ad entre de Terres ou Tenements, & est seise de ceo realment & actualment. Sicome le pere seise de Terres ou Tenements en Fee-simple devle, & son fils enter en eux come heir a son pere, donques il ad un Frank-tenement en fait p son Entrie.

Frank-tenement en Ley est, qnt Terres ou Tenements sont descendus a un home, & il poit enter en eux quant a luy pleist, mes nad unc' fait son Entrie en fait: Come en le case avantdit, si le pere, esteant seise de Terfs en Fee, devle seise, & ils descend a son fils, mes l' fils nad unc' enter en fait en eux; ore devant son Entrie il ad un Frank-tenement en Ley.

French-

French-man.

French-man fuit duse, par
chescoun Alien. *Bracton,*
lib. 3. Tract. 2. cap. 25.
Veies Englesbery.

Frendless man.

Frendless man fuit le vell
Saxon proel p luy que nous
appel' ū Outlaw; nam forisfe-
cit Amicos suos. *Bracton, lib. 3.*
Tract. 2. cap. 12.

Fresh Force.

Fresh Force (*Friska Forcia*)
est un Force comise deins
asc' Citie ou Borough, come
per Disseisin, Abatement, In-
trusion, ou Deforcement des
ascuns Terres ou Tenements
deins le dit Citie ou Bo-
rough. Par redresser de q'l
tort, cestui q' droit ad poit p
l' Usage del dit Citie ou Bo-
rough aver son remede sans
Brief, per un Assise ou Bill de
Fresh Force port deins 40
jours apres le Force comise,
ou Title a luy accrue. En
quel Action il poit faire son
protestation de suer en le na-
ture d' quel Brief que il voit.
Et veies p ceo matter Fitzh.
N. B. f. 7. C. & Vieux N. B.
f. 4. a.

French-man.

French-man was wont to be
used for every Outlandish-
man. *Bracton, lib. 3. Tract. 2.*
cap. 25. See Englesbery.

Frendless man.

Frendless man was the old
Saxon word for him we call
an Outlaw; nam forisfecit Am-
icos suos. *Bracton, lib. 3. Tract. 2.*
cap. 12.

Fresh Force.

Fresh Force (*Friska Forcia*) is
a force committed in any Ci-
ty or Borough, as by Dis-
seisin, Abatement, Intrusion,
or Deforcement of any Lands
or Tenements within the
said City or Borough. For
the redressing of which wrong,
he that hath right may by the
Usage of the said City or
Borough have his remedy
without Writ, by an Assise or
Bill of Fresh Force brought
within 40 days after the force
committed, or Title to him ac-
crued. In which Action he
may make his protestation to
swear in the nature of what Writ
he will. And see for this mat-
ter Fitzh. Nat. Bre. l. 7. C. and
Old N. B. f. 4. a.

Fresh

Fresh Suit.

Fresh Suit is, when a man is robbed, and the party so robbed follows the Felon immediately, and takes him with the manner, & otherwise, and then brings an Appeal against him, and hath combat him of the Felony by Verdict; which thing being enquired of for the King, and found, the party robbed shall have restitution of his goods again.

Also it may be said, that the party made Fresh Suit, although he take not the Thief presently, but that it be half a year or a year after the Robbery done before he be taken; if so be the party robbed do what lies in him, by diligent enquiry and search, to take him; yea, although he be taken by some other body, yet this shall be said Fresh Suit.

Fresh Suit is also, when the Lord comes to distrain for Rent or Service, and the Owner of the Beasts makes rescous, and drives them into anothers Ground not holden of the Lord, and the Lord follows presently and takes them. And so in other like cases.

Friperer.

Friperer is a word used in the Statute of 1 Jac. c. 21. for a

Fresh Suit.

Fresh Suit est, quant un home est robbe, & le partie issint robbe pursua le Felon immediatement, & luy prist ove le manner, ou autrement, & donques port u Appeal envers luy, & luy convainc del Felonie p Verdict; le quel chose estant enquire pur le Roy & trove, le partie robbe avera restitution de ses biens arere.

Item il poit este dit que le partie fait Fresh Suit, nient obstant que il ne prist le Felon presentment, mes que il soit demy an ou u an apres le Robberie fait devant q; il soit prise; si soit issint q; le partie robbe fait tant q en luy est per diligent enquiry & search, & luy prendre; nient obstant q; il est prise p un autre home, uncore c' serra dit Fresh Suit.

Fresh Suit est auxy, quant le Sür vient pur distreine pur Rent ou Service, & l'Owner des Beasts fait rescous, & enchase eux en auters Terres que n'est tenu del Seigneur, & le Seigneur ensue presentment, & reprist eux. Et ainsi en autres semblables cases.

Friperer.

Friperer est un parol use en le Statute de 1 Jac. c. 21. pur

pur un sort des Brokers. Et semble estre un parol prise del *Franchis Friper*, Interpoler; & p ceo un *Friperer* est un que use de Pollr vieux Vestiments p vender arere.

kind of Broker. And it seems to be a word taken from the French word *Friper*, to trich up old things; and therefore a *Friperer* is one that uses to dress old Clothes to sell again.

Frumgylde.

Frumgylde est un veill Saxon parol, q; signifie le prime Payment fait al kindred de un person occise, en recompence de son Murder. *L. L. Edmundi. c. ult.*

Frumgylde.

Frumgylde is an old Saxon word, which signifies the first payment made to the kindred of a slain person, in recompence of his Murder. *L. L. Edmundi, c. ult.*

Fugitives goods.

Fugitives goods sont les proper goods de luy q; sue sur Felonie, le quel, apres le Flight loyalmt trove, appartient a Roy. *Coke, vol. 6. f. 109. b.*

Fugitives goods.

Fugitives Goods are the proper goods of him that flies upon felony, which, after the flight lawfully found, do belong to the King. *Coke, vol. 6. f. 109. b.*

G.

Gable.

Gable, *Gablum*, est en anciẽt Records un vieux pol q; signifie u Rent, Dutie, Custome, ou Service yield ou fait al Roy ou asc' auter Sñr. Veles le Comment in *Littl. f. 142. a.*

G.

Gable.

Gable, *Gablum*, in ancient Records is an old word that signifies a Rent, Duty, Custom, or Service yielded or done to the King, or any other Lord. See the Comment upon *Littl. fol. 142. a.*

Gager de deliverance.

Gager de deliverance is, where one sues a Replevin of goods taken, but he hath not the goods delivered, and the other avows, and the Plaintiff desires that the Defendant be put to gage the Deliverance; then he shall put in Surety or Pledges for the Redeliverance, and a writ shall go forth to the Sheriff to redeliver the goods, &c. But if a man claims property, he shall not gage Deliverance.

And if he say that the Beasts are dead in the Pound, he shall not gage, &c.

Also a man shall never gage the Deliverance before they are at Issue; or Demurder in the Law, as it is said.

Gainage.

Gainage (Wainagium) seems to come from the French word Gaignage, id est, Gain or Profit; but in our Law it signifies the Profit most properly that comes by the Tillage of Land. And therefore in the Statute of Mag. Chart. c. 14. it is Enacted, that a Villain shall be amerced, saving his Gainage; and in West. 1. c. 6. saving his Gainure; and in c. 17. it is Enacted, That he that despoys any of the deliverances of

Gager de deliverance.

Gager de deliverance est, l'on un sui Replevin de biens prise, mes il n'ad Deliverie des biens, & l'auter avowa, & le Plaintiff montra q' le Defendant est uncof possesse des biens, &c. & pria q' Defendant gagera Deliverance; donques il mettra eins Suretie ou Plege pur le Redeliverances, & un Brief issira al Viscount pur redeliverer les biens, &c. Mes si home clame propretie, il ne gagera Deliverance.

Auxy fil dit que l'Avers sont morts en le Pound, il ne gagera, &c.

Auxy home ne gagera jamers l' Deliverance avant q' ils soient a Issue, ou Demurrer en Ley, ut dicitur.

Gainage.

Gainage (wainagium) sem- ble de venir del parol Francois Gaignage, id est, Questuative Lucrum; mes en nostre Ley il signifie le Profit plus pperment que venust del Tillage del Tre. Et p. ceo en le Statute d Mag. Chart. c. 14. est enact, que un Villain sera amerce salvo wainagio suo; & en west. 1. c. 6. save son Gainage; & c. 17. est enact, Que celuy q' desorce asc' del deliverance

verance des Avers per Replevin, rendra al Plaintiff le double des daffiages queux il ad receve de ses Avers, ou de son *Gainage* disturbe, &c. Et p le Statute de districtione Scaccaria fait en 51 H. 3. est Enact, Que nul home de Religion ou aut' serroit distreine per les Avers que *gaine* son Terre;

his Beasts by Replevin, shall render unto the Plaintiff his double Damages which he hath sustained in his Beasts, or in his Gainage disturbed, &c. And by the Statute of Distress of the Exchequer made in 51 H. 3. it is Enacted, That no man of Religion, or other, shall be distrained by the Beasts that gain his Land.

Galli-halpens.

Galli-halpens fueront certain Colne phibit p le Stat. Anno 3 H. 5. c. 1.

Galli-halpens.

GALLI-halpens were a certain Coin prohibited by the Stat. An. 3 H. 5. c. 1.

Gaole.

Gaole, ou *Gayle*, venust de parol Francois *Geole*, id est, *Cavata*, mes metaphoricque est use pur un Prison. Et de ceo le Gardian del Prison est appel un *Gaoler* ou *Gayler*.

Gaole.

Gaole, or *Gayle*, comes of the French word *Geole*, which signifies a Cage for Birds, but metaphorically is used for a Prison. And from thence the Keeper of the Prison is called a *Gaoler* or *Gayler*.

Garbe.

Garbe venust del Francois *Garbe* ou *Gerbe*, id est, *Fasch*. Cest parol est use en le vieux Stat. appel *Charta de Foresta* c. 7. lou *Herbas* en le Latine est, translate *Garbe* en Anglois.

Garbe.

Garbe comes of the French *Garbe* vel *Gerbe*, which signifies a Bundle or Sheaf. This word is used in the old Stat. called *Charta de Foresta*, cap. 7. where *Herbas* in the Latine is translated *Garbe* in English.

Garble.

Garble.

Garble, is to sort and chuse the good from the bad, as the Garbling of Bow-staves, Anno 1 R. 3. c. 11. and the Garbling of Spice is nothing else but to purifie it from the Droffe with which it is mixed. See of this at large in the Statute of 1 Jac. c. 19.

Garble.

Garble est de Sorter & selecter le bone chose de le male; come le Garbling de Bow-staves, Anno 1 R. 3. c. 11. & le Garbling d' Spice est riens autre forsque d' Purifie ceo del Droffe ove q' il est mixe. Veles de ceo a large en le Statute 1 Jac. c. 19.

Gard.

Gard, or Ward, is, when an Infant, whose Ancestor held by Knights Service, is in the Ward or Keeping of the Lord of whom those Lands were holden. And if the Tenant hold of divers Lords, divers Lands, the Lord of whom the Land is holden by Primogeniture, that is, by the more elder Tenure, shall have the Wardship: But if one Tenure be as old as the other, then he that first gets the Ward of the Body shall keep it: But every Lord shall have the Ward of the Land that is holden of him. And if the Tenant hold any Land of the King in chief, he by his Prerogative shall have the Ward of the Body, and of all the Land that is holden of him, and of every other Lord.

Also there are divers Writs of Ward. One is a Writ of Right of Ward, and that lies where the

Garde.

Gard est, quant un Enfant; quel Ancestor tient per Service de Chivalrie, est en le Gard & Custodie de le Seignior de que ils fueront tenus. Et si le Tenant tient de divers Seigniors divers Tfes; celui Seignior de que il tient p' priorite, cestascavoir, per le plus ancien Tenure, avera le Gard: Mes si un Tenure soit auxy ancien q' l' autre, donques celui q' primes gaigna le Gard de le corps gardera ceo: Mes chescun Seignior avera le Gard del Tfe que est tenu de luy. Et si le Tenant tient aucun Tfe del Roy en chief, le Roy per son Prerogative avera le Gard del Corps, & de tout le Tfe que est tenu de luy, & de chescun autre Seignior.

Auxy sont divers Briefs de Gard. Un est Brief de Droit de Gard, & gist lou le

le Tenant de vie, son Heir deins age, & un Estranger entra en le Terre, & happa d'aver le Gard le Corps de l'Enfant.

Brief d'Ejectment de Gard gist, lou home est oulle de le Gard de Terre, sans le Corps & l'Enfant.

Brief de Ravishment de Gard gist, lou le Corps est prise d'uy seulement, & nient le Terre.

Mes veies le Stat. 12 Car. 2. cap. 24. pur Abolishing le Court del Wards, &c.

Gardeine.

Gardian ou *warden* plus pperment est celuy que ad le Gard ou Custodie d'un Heir, & de son Tre tenu p Service de Chivalrie, ou d'un d'eux, a son use demesne, durant le Nonage del Heir; & deins cest temps ad le holding del Corps del Heir; en Marriage a son vol, sans disparagement.

Et de Gardeins il y ad deux fortz; mesme, *Gardien en Droit*, & *Gardien en Fait*.

Gardien en Droit est celuy q; p raison de son Seignorie est seise del Gardship ou custodie del Terre & del Heir, durant le Nonage del Heir.

Gardien en Fait est, lou le Seignour apres son Seisin, come avantdit, granta per

Tenant dies, his Heir within age, and a Stranger enters into the Land, and happens to have the Ward of the Body of the Infant.

Brief of Ejectment of Ward lies, where a man is put out of the Ward of the Land, without the Body of the Infant.

Brief of Ravishment of Ward lies, where the Body is taken from him only, and not the Land.

But see the Stat. 12 Car. 2. c. 24. for Abolishing the Court of Wards, &c.

Gardian.

Gardian or *warden* most properly is he that hath the wardship or keeping of an Heir, and of his Land holden by Knights Service, or of one of them, to his own use, during the Nonage of the Heir; and within that time hath the holding of the Body of the Heir in Marriage at his pleasure, without disparagement.

And of *wardens* there are two sorts; namely *Gardian in Right*, and *Gardian in Deed*.

Gardian in Right is he that by reason of his Seignory is seised of the wardship or keeping of the Land and Heir, during his Nonage.

Gardian in Deed is, where the Lord after his Seisin, as aforesaid, grants by Deed, or with=

without Deed, the Wardship of the Land, or Heir, or both, to another, by force of which Grant the Grantee is in possession: The Grantee is called Gardian in Deed.

And this Gardian in Deed may grant the Heir to another also: but that other is not properly called Gardian in Deed, but Grantee of the Gardian in Right only.

But the Gardian in Socage hath the profit only to the use of the Heir, until he accomplish the age of 14 years, and must yield therefore an account to the Heir. See more hereof, Littleton, lib. 2. cap. 4, & 5. and Stamford upon the Statute of Prerogative, cap. 1, 2, & 6.

Church-wardens.

Church-wardens are Officers chosen in every Parish, to have the care and custody of the Church Goods; and they may have an Action for the Goods of the Church, and divers other things they may do for the benefit of the Church: and by the Statute of 43 Eliz. cap. 2. they are to joyn with the Overseers for the making of Rates and other Provisions for the Poor of the Parish.

Fait, ou sans Fait, le Gardship del Terre, ou del Heire, ou de ambledeux, a un autre, pforce de quel Grant le Grantee est en possession: Le Grantee est appel Gardain in Fait.

Et cest Gardain en Fait peut grant le Heir al aut auxy: mes cest autre n'est pperment appel Gardain en Fait, mes Grantee del Gardain en Droit seulement.

Mes le Gardain en Socage ad le profit seulement ad use del Heire, jesque il ad accomplish l'age de 14 ans, & rendre pur ceo account al Heire. Vide plus de ceo, Littl. lib. 2. cap. 4. & 5. & Stamford. sur Statute de Prerogative. cap. 1, 2, & 6.

Gardeins del Eglise.

Gardeins del Eglise sont Officers elects en chescun Paroisse, pur aver l'care & custodie des biens del Eglise; & ils poient aver un Action p les biens del Eglise & divers autres choses: ils poient faire p l'benefice l'Eglise & p l' Statute de 43 El. cap. 2. ils doient joinder avecques les Surveyors en le sealance des Rates & autres provisions pur les Povers del Paroisse.

Gardeins

Gardein des Spiritualities.

Gardein des Spiritualities per la general Ley est le Deabe & Chapter del Diocesse, si ne soit un custome q l' Archevesque del Province soit le Gardein se de vacante; Son Office est a tener Court, prover Testamēts, granter Administrations & a supplie le lieu del Eveſque.

Garnishment.

Garnishment: Sicome un Action d Detinue des Charters est port vers un, & le Defendant dit, que les Charters fueront deliver a luy per le Plaintife & per un auter sur certain Conditionss. & prie que l' auter soit garnie de pleader ove le Plaintife, si les Conditions sont perimple, ou nemy, & sur ceo un Brief de Scire facias issira vers luy; ceo est appel *Garnishment*: & l'auter quant il vient elns pledera ove le Plaintife; & c' est appel *Enterpleader*.

Garranty.

Garranty est qāt un est lie al aut que ad Terre, de *garrant* le in a luy; le q'l poit

Gardian of the Spiritualities.

Gardian of the Spiritualities, by the general Law is the Dean and Chapter of the Diocess, unless there be a Custom that the Arch-bishop of the Province should be the Gardein, se de vacante, His office is to hold Courts, prove Wills, grant Administrations, and supply the Bishops room.

Garnishment.

Garnishment: If an Action of Detinue of Charters be brought against one; and the Defendant saith, that the Charters were delivered to him by the Plaintiff and by another upon certain Conditions, and prays, That the other may be warned to plead with the Plaintiff, if the Conditions be performed or no, and thereupon a Writ of Scire facias shall go forth against him; this is called *Garnishment*: and the other, when he comes, shall plead with the Plaintiff; and that is called *Enterpleader*.

Garranty.

Garranty is, when one is bound to another who hath Land, to warrant the same to him;

him, which may be two ways: that is, by Deed of Law; As if one and his Ancestors hath held Land of another and his Ancestors, time out of mind, by Homage, which is called Homage Ancestral: Or by Deed of the party, who grants by Deed or Fine to the Tenant of the Land to Warrant it to him, upon which, if the Tenant be impleaded by him who ought to warrant of his Heirs, the Tenant shall bar the Demandant by pleading the Warranty against him, which is called Rebutter; or if he be impleaded by another in an Action wherein he may vouch, he shall vouch him who warranted; or his Heirs, and if the Plaintiff recover, the Tenant shall recover in value against the Voucher.

Warranty is of three sorts; that is, Warranty Lineal, Warranty Collateral, and Warranty that begins by Dissolution.

Warranty Lineal, is, where a man seised in fee or in tail makes a Feoffment to another, and binds him and his Heirs to Warranty, and hath issue a son, and dies, and the Warranty descends to his son. For if no Deed with Warranty had been made, then the right of the Lands should have descended to the son, as heir to his father, and he shall convey the Descend from the father to the son.

But if Tenant in tail discontinue the tail, and hath the

est par deux moines, cestascavoit per *Mort d'Ancestral*; Come si un & ses Ancestors ont tenuis Terre de l'autre & ses Ancestors per temps dont memorie ne court per Homage, que cest appelle *Homage Ancestral*: Ou per *Mort d'Ancestral*, que grant per fait ou Fine al Tenant del Terre de garrant ceo a luy, sur quel si le Tenant soit impleade per luy que doit garrant ou ses heires, le Tenant barra le demandant per pleader de Warranty vers luy, que est appel *Rebutter*, ou si soit impleade per autre en Action en que il poit vouch, il vouchera cestuy que garrant, ou ses Heires, & si le Plaintiff recover, le Tenant recouvrera en value vers le Voucher.

Warranty est en trois manieres; cestascavoit, Warranty Lineal, Warranty Collateral, & que commence per Dissolution.

Warranty Lineal est, l'un homme seisc en fee, ou en tail fait Feoffment a un autre, & oblige luy & ses heires a Warranty, & ad issue fiez, & mort, & le Warranty descend a son fiez. Car si nul fait Warranty n'est fait, donques le droit des Terres descendroit al fiez, come Heire a son pere, & il conveyeroit le Descend de le pere a le fiez.

Mes si Tenant en le tail discontinue le tail, & c.

& ad issue, & devie, & le Uncle del issue releffa al Discontinuee ove Garrantie, &c. & morust sans issue; ceo est *Collateral Garrantie* al issue en le tail, p' ceo que le Garrantie descend sur le issue, le quel ne polt soy conveyer a le taile p' le mean de son Uncle.

Et en chescun cas lon hōe demanda Terres en Fee-tail p' Brief de Formedon, si asc' Ancestor del issue en le taile fait un Garrantie, & celiuy q' sue le Brief de Formedon, per possibilitie d' mat' q' pultoit estre fait, convey a luy Title p' force del son done q' fist le Garrantie, &c. ceo est donqs un *Lineal Garrantie*, p' quel le issue en le taile ne serra barre, sinon q; il ad Assets a luy descendus en Fee-simple. Mes si il ne polt p' asc' possibilitie convey a luy Title p' force d' Don d' celui que fist le Garrantie, dōques ceo est un *Collateral Garrantie*, & per la le issue & le taile serra barre sans ascuns Assers. Et le cause que riel *Collateral Garrantie* est un Barre al issue en le taile est, p' ceo que tous Garranties, devant le Statute d' Gloucester, q'ux descendant a ceux queux sont Heirs a ceux que seolent les Garranties, fueront Barres a mesm les Heirs a demander asc' Terres, comprise les Garranties que comēce per Disseisin; & pur ceo que le dit Statute ad ordaine, Que le Garrantie del Pere ne serra

sue, and dies, and the Issue of the Issue releases to the Discontinuee with Warranty, &c. and dies without issue; this is a *Collateral Warranty* to issue in tail, for that the Warranty descends upon the Issue, who may not convey himself to the tail by mean of his Uncle.

And in every Case where a man demands Lands in Fee-tail by writ of Formedon, if any Ancestor of the Issue in tail makes a Warranty, and he that sues a Writ of Formedon, by possibility of matter that may be done, conveys to him Title by force of his Gift that made the Warranty, &c. that is then a *Lineal Warranty*, whereby the Issue in tail shall not be barred, except he have Assets to him descended in Fee-simple. But if he may not by any possibility convey to him Title by force of his Gift that made the Warranty, then that is a *Collateral Warranty*, and thereby the Issue in tail shall be barred without any Assets. And the cause that such a *Collateral Warranty* is a Bar to the Issue in the tail is, for that all Warranties, before the Statute of Gloucester, which descended to those who are Heirs to the warrantors, were Bars to the same Heirs to demand any Lands, except the warranties that began by Disseisin; and for that the said Statute hath ordained, That the warranty of the father shall be no Bar to his Son

Don for the Lands which come by the Heritage of the Mother, nor the Warranty of the Mother shall be no Bar to the Don for the Lands which come by the Heritage of the Father; and neither the Stat. 11 H. 7. cap. 20. nor any other Statute; hath ordained any remedy against any other Collateral Warranty; therefore such Warranty is yet in force, and shall be a bar to the Marth tail, as it was before the Statute.

And it behoves that every Warranty, whereby the Heir shall be barred, descend by course of the Common Law to him who is Heir to the Warrantor; else it shall be no Bar: for if the Tenant in Tail of Lands in Borough English, where the youngest son shall Inherit by the Custom, discontinue the tail, and hath Issue two sons, and the Uncle releases to the Discontinuer with Warranty, and dies, and the younger Son brings a Formedon; yet he shall not be barred by such Warranty, *causa qua supra*. And if any man make a Deed with Warranty, whereby his Heir should be barred, and after the Warrantor be attaint of Felony; his Heir shall not be barred by such Warranty, for that such Warranty cannot descend upon him, the blood being corrupt.

Warranty beginning by Disfeisin is, if the son purchase Lands, and let them to his

Barre a son Fils p les Tfs que veigne del heritage le Merc; ne le Garrantie de le merc ne serra Barre al Fils p les Terres que veigne del heritage del Pere; & le Statute de 11 Hen. 7. cap. 20. & nul de les Statutes, ad ordina aucun remede encontre asc' auter Collateral Garrantie; ideo tiel Garrantie est uncor en sa force; & serra Barre al Issue en le rale; come il fait devant le Statute.

Auxy il convient que tous Garranties, per que aucun Heire serra Barre, descend per course del Common Ley a celui que est Heire a Garrantor; ou auierment il ne serra Barre: car si le Tenant en le tail des Terres en Borough English, lou le puisne firs inheritera p le Custom, discontinue le rale, & ad Issue deux firs, & le Uncle releffa al Discontinuee ove Garrantie, & devie, & le puisne firs port Formedon; uncore il ne serra barre per tiel Garrantie, *causa qua supra*. Auxy si aucun home fait un Fait ove Garrantie, p quel son Heir ferrolte barre, & celui que fist le Garrantie soit attint de Felonie; son Heire ne serra barre per tiel Garrantie, p ceo q tiel Garrantie ne pult descendre sur luy, le sanke estant corrupt.

Garrantie commençant per Disfeisin est, si le firs purchase Terres; & lessa les Terres

a son pere pur ans, & le pere per son Fait c' de enfeoffa un estrang' & oblige luy & ses heires a Garrantie, & le pere devle, per quel le Garrantie descend al firs; uncore cest Garrantie ne barrera my le firs, mes le firs bien poit ent' nient obstant, pur ceo que cest Garrantie commenast per *Disseisin*, quant le pere fist le Feoffment, que fait un *Disseisin* al firs. Et come est dit de Pere, Issint poit estre dit de chesc' aut' Ancestor. Et mesme le Ley est, si l'Ancestor soit Tenant per *Elegit*, ou per Statute-Merchant, & fait alcun Feoffment ove Garrantie, tels Garranties ne serroient Barres, pur ceo que ils commenceont per *Disseisin*.

Garrantie des Charters.

Garrantie des Charters est un Brief quel gist lou asc' Fait est fait que comprende clause de Garrantie, cest-a-savoir, *Dedi* ou *Concessi*, ou cest parol *warrantizabo*; & si le Tenant soit implead per un Estrang' en Assise ou tiel Acc' lou il ne poit vouch a Garrantie, donques il avera cest Bre vers son Feoffor ou son Heir; & si le Terre soit recover vers luy, il recovers tant del Terre en value vers cestuy que fist le Garrantie. Mes cest Brief coviēt estre sue pendant le primer Brief vers

father for years, and the father by the *Deed* infeoff a stranger, and binds him and his heirs to Warrantie, and the father dies, whereby the Warrantie descends to the son; yet this Warrantie shall not bar the son, but the son may well enter notwithstanding, because this Warrantie began by *Disseisin*, when the father made the Feoffment, which was a *Disseisin* to the son. And as it is said of the father, so it may be said of every other Ancestor. And the same Law is, if the Ancestor be Tenant by *Elegit*, or by Statute-Merchant, and make a Feoffment with Warrantie, such Warranties shall be no Bars, because they begin by *Disseisin*.

Garranty of Charters.

Garranty of Charters is a Writ that lies where any Deed is made that comprehends a clause of Warrantie, that is to say, *Dedi* or *Concessi*, or this word *Warrantizabo*; and if the Tenant be impleaded by a Stranger in *Assise* or such Action where he may not vouch to Warrantie, then he shall have this Writ against his Feoffor or his Heir; and if the Land be recovered against him, he shall recover as much Land in value against him that made the Warrantie. But this Writ ought to be sued depending the first

first writ against him, else he hath lost his advantage.

Also upon a Warrantie in the Law, as upon Homage auncestrel, or upon Rent reserved upon a Lease for Life, or a Gift in the tail, a man shall have a writ of Warrantia Chartæ, but not upon Escuage.

luy, autrement il ad perde son advantage.

Auxy sur Garrantie en Ley, come sur Homage auncestrel, ou sur Rent reserve sur Lease de vie ou Done en le talle, home avera Brieif de Garrantie de Charters, mes nemy sur Escuage.

Garrantie del jour.

Garrantie del jour.

Garrantie del jour. See for that Warrantia dici.

Garrantie del jour. Veies ꝑ ceo Warrantia dici.

Gavellet.

Gavelate.

Gavellet is a special and ancient kind of Cessavit, used in Kent, where the Custom of Gavelkinde continues, whereby the Tenant shall forfeit his Lands or Tenements to the Lord of whom they are holden, if he withhold from his Lord his due Rents and Services, after this manner :

If any Tenant in Gavelkind withhold his Rent and Services of the Tenement he holds of his Lord, let the Lord seek by the award of his Court, from three weeks to three weeks, to find some Distress upon the Tenement until the fourth Court, always with witnesses. And if within that time he can find no Distress on that Tenement, whereby he may have Justice of his Tenant, then

Gavelate est un special & ancient kind de Cessavit, use en Kent, lou le Cusloffin de Gavelkind continue, per quel le Tenant forfeltera ses Terres & Tenements al Seignour de que ils sont tenus, sil detelne de son Seignour ses due Rents & Services, solonq; cest maner :

Si aucun Tenant en Gavelkind Retain sa Rent & ses Services de le Tenement que il tient de son Seignour, querge le Seignour par a-garde de sa Court, de trois semaines en trois semaines, de trouver Distresse sur cel Tenement jesque a le quart Court, a tous foits per Testimoignes. Et si deins cel temps ne Trove Distresse en cel Tenement, per queux il puisse son Tenant justifier,

donques a la quart Court soit agarde, que il preigne cel Tenement en sa main en nom de Distresse, auxy come fut Boefe ou Vache, & le tient un an & un jour en sa main sans mainoverer: deins quel terme si le Tenant vient, & rend ses arrearages, & fait reasonable amends de la reteigner, adonque eyt & enjoy sont Tenement, sicome ses Auncestors & luy avant tiendront: & si ne vient devant l'an & le jour passe, donque aler le Seigneur al prochain County-Court suivant ove Testimoignes de sa Court, & face la prononcer cel Processe par Testmoignage aver; & p agard de sa Court (apres ceo County tenu) ent & mainovera en cels Terres & Tenements sicome en son demesne.

Et si le Tenant vient apres, & voile re-aver ses Tenements, & tener sicome il fist devant, face Agree al Seigneur, si come il est ancientement dir,

Neghsithsælde, & neghsith gelde, & v. li. for the were, or he become Healdre. Vide de ceo 10 Henric 3. Fitzherbert, cessavit 60. & Statute 10 Edward 2. de Gavelet en London, en le Collection del Statutes, London 2. matter tendant mult a cel purpose, que per cel parol Gavelet le Seigneur

at the fourth Court let it be awarded, that he take that Tenement into his hand in name of a Distress, as if it were an Ox or Cow, and let him keep it a year and a day in his hand without manuring it: within which Term, if the Tenant come and pay his arrearages, and make reasonable amends for the withholding, then let him have and enjoy his Tenement, as his Ancestors and he before held it: and if he do not come before the year and day past, then let the Lord go to the next County-Court with his Witnesses of his own Court, and pronounce there this Proceſs to have farther Witnesses; and by the award of his Court (after the County-Court holden) he shall enter and manure in those Lands and Tenements as in his own.

And if the Tenant come afterward, and will re-have his Tenements, and hold them as he did before, let him make Agreement with the Lord, according as it is anciently said,

Hath he not since any thing given, nor hath he not since any thing payed? then let him pay v. li. for his Were, before he become Tenant or Holder again. See hereof 10 H. 3. Fitzh. Cessavit 60. and Stat. 10 Ed. 2. of Gavelet in London, in the Collection of Statutes, London 2. matter much tending to this purpose, that by this word Gave-

Gaveler, the Lord shall have the Land for the cessing of the Tenant. And see Westm. 2. ca. 21. which gives Cessavit.

There be some Copies which have the first Verse thus written;

Nisith yelde, and Nisith gelde: And others thus;

Nighesith yeld, and nighesith geld.

But these differ not in signification. Other Copies have it thus;

Nigondesith seld, and nigondesith geld:

That is, Let him nine times pay, and nine times repay.

Gavel-kinde.

Gavel-kinde is a Custom annexed and going with Lands in Kent, called Gavel-kind-lands, holden by ancient Socage Tenure. And it is thought by the skillful in Antiquities, to be called Gavel-kinde, of Give all Kinne, that is, to all the Kindred in one Line, according as it is used among the Germans, from whom the English-men, and chiefly of Kent, come. Or else it is called Gavel-kinde, of Give all kinde, that is, to all the Male-children, for Kinde in Dutch signifies a Male-child. And divers other like conjectures are made touching Gavel-kinde, which I omit.

avera le Terre pur cesser le Tenant. Et veies *Westmonast.* 2. cap. 21. que done Cessavit.

Il y ad aucuns Copies que ad le primer Verse issint escript;

Nisith yelde, & nisith gelde: Et autera issint;

Nighesith yeld, & nighesith geld.

Mes ceux ne differ en signification. Auters Copies ont ceo solonque cest sort;

Nigondesith seld, & Nigondesith geld:

Cest adire, Payera il novles foits, & novles foltes repay.

Gavel-kinde.

Gavel-kinde est un Custom annexe & currant ove terres en Kent, appel Gavel-kinde-terres, tenus en ancient Socage Tenure. Et est pense par les erudite en Antiquitez, destre appel Gavel-kinde de Give all Kinne, cest adire, a tous les Kinne en un line, accordant come est use enter les Germans, de que nous Anglois, & especialment de Kent, venomus. Ou est appel Gavel-kinde de Give all Kinde, cest adire, al tous les Males, car Kinde en Dutch signifie un Male. Et divers auters semble conjectures sont fait touchant Gavel-kinde, le quel jec ommet.

Les

Les plus usual Customes sont, Que le Terre est divisible entre les Heirs-males; & que le Heir al age de 15 ans peut donec & vendre sa Terre; & serra inherit, coment son perre soit attaint & pendue pur felonie; & la feme serra endowe del demie del Terre dont son baron devie seisie; & le baron serra Tenant per le Courtisie del demie, coment ne avoit issue per sa feme; mes l'Estate del baron & feme cease per leur second Marriage. Et divers autres Customes sont uses en Kent de Terres en Gavel-kinde, pur queux veyes *Lambert's Perambulation de Kent.*

The most usual Customes are, That the Land is dividable between the Heirs-male; and that the Heir of the age of fifteen years may give and sell his Land; and shall inherit, although his Father be attainted and hanged for Felony; and his wife shall be endowed of half the Land wherof her husband died seised; and the husband shall be Tenant by the Courtisie of the half, although he have no issue by his wife; but the Estate of the husband and wife ceases by their second Marriage. And divers other Customes are used in Kent of the Lands in Gavel-kinde, for which see *Lambert's Perambulation of Kent.*

Gawgeour.

Gawgeour est un Officer du Roy designe de chercher tous Tuns, Hogsheads, Pipes, Barrells & Tertians de Vine, Oyle, Honey, Butter, & a doner eux un Noie d allowance devant ils sont vendus en aucun lieu. Et p ceo que est marke est un Circle fait ove un instrument de ferre pur cel purpose, il semble q il prist son nomme de ceo. De cest Office la ad este fait plusieurs Statutes: le premier est *An. 27 E. 3. cap. 8.* & les autres sont *4 R. 2. cap. 1. 18 H. 6. cap. 19. 23 R. 6. Cap. 16. 1 R. 3. cap. 13. & 28 H. 8. cap. 14.*

Gawgeour is an Officer of the King appointed to search all Tuns, Hogsheads, Pipes, Barrells and Tertians of Wine, Oyl, Honey, Butter, and to give them a Mark of allowance before they are sold in any place. And because this mark is a Circle made with an Iron Instrument for that purpose, it seems he takes his name from thence. Touching this Office there have been made many Statutes: the first is *An. 27 E. 3. cap. 8.* and the others are, *4 R. 2. cap. 1. 18 H. 6. c. 17. 23 H. 6. c. 16. 1 R. 3. cap. 13. and 28 H. 8. c. 14.*

Gerfuma.

Gersuma.

Gersuma is an obsolete word, for a fine or Summe of money; it is often found in ancient Records. See Sir Hen. Spelman's Glossarium.

Gild.

Gild, alias Geld, has divers significations: as sometimes a Tribute; othertimes an Amerciament; thirdly, a Fraternity or Company combined together by Orders and Laws made amongst themselves with the Kings Licence. Camden cites many Antiquities, whereby it appears to signify a tribute or tax; as pag. 135, 139, 159, 168, 178. Crompton, in his Jurisdiction, fol. 191. shews it to be an Amerciament, as Footgeld; yet fol. 197. he says, to be quit of all manner of Gelds, is to be discharged of all manner of Prestations to be made for gathering of Sheaves of Corn, young Lambs, and Wool, to the use of the Forresters.

Also Camden, pag. 149. dividing Suffolk into three parts, calls the first Gildable, because tribute is thence gathered. And the Statutes Anno 27 Edw. 3. Stat. 2. cap. 13.

Gersuma.

Gersuma est un obsolete parol, pur un fine ou Summe d'argent; il est souvent trové en vell Records. Veies Sir Hen. Spel. Glossarium.

Gild.

Gild, alias Geld, ad divers significations: come ascun foits un Tribute; auter foits un Amerciament; tierceemt, un Fraternite ou Companie combine ensemble per Orders & Leys fait int' eux mesmes ove le congee le Roy. Camden cita plusieurs Antiquities per que il appiert de signifier un Tribute ou Tax; come pag. 135, 139, 159, 168, 178. Crompton, en ses Jurisdiction, f. 191. monstre ceo desirer un Amerciament, come Footgeld; uncore fol. 191. il dit, Desirer quit de tous maners de Gelds est, desirer discharge de tous maners de Prestations desirer fait pur le prisure de Garbes de Corne, d juvenile Barbits, & de Lane, al use del Forresters.

Auxy Camden, pag. 149. dividant Suffolk en trois parts, appel le primer Gildable, p ceo que Tribute est de ceo collect. Et les Statutes Anno 27 Edw. 3. Stat. 2. c. 13.

Et Anno 11 H. 7. cap. 9. usont
Gildable en m le sens; &
issint Stat. Anno 27 H. 8. cap.
26. De ceo Monsieur Lambert
verbo *Contubernalis* est pswade
que l'common pol Gild ou
Gild hall preceda, esteant un
Fraternite ou Communalte
de homes aggregated en un
Combination, supportant leur
common charge p un mutual
Contribution. Et en le Reg.
Orig. f. 219. b. la est *Gildam
Mercatoriam*, que semble desre
un certaine Libertie ou privi-
lege appertinent al Merchants,
p que ls. sont enable de tener
certain Ples de Terre deins
leur Precincts demesne. Cest
pol Gilds ou Guilds est issint
use Anno 27 E. 3. c. 51. & An.
15 R. 2. c. 5. Et *Gildhalda
Teutonicorum* est use p le Fra-
ternite de Easterling Mer-
chants en Londres appel le
Still-yard, Anno 22 H. 8. c. 8.
Veles Coke, l. 8. f. 125.

Gisarms.

Gisarms fuit un certaine
Weapon, mention 13 E. 1.
Stat. 3. c. 6. *Fleta* escrie le m
Sisarms l. 1. c. 24.

Glebe.

Glebe, tot les terrs de queux
un Rector ou Vicar est
seisic in Jure Ecclesie.

and Anno 11 H. 7. cap. 9. use
Gildable in the same sense; and
so the Statute Anno 27 H. 8. cap.
26. Hence Lambert in the
word *Contubernalis* is perswaded
that the common word Gild or
Gild-hall proceeds, being a Fra-
ternity or Communality of men
gathered in one Combination,
supporting their common charge
by a mutual Contribution.
And in the Reg. Orig. fol. 219.
b. there is *Gildam Mercatoriam*,
which seems to be a certain Li-
berty or Privilege appertain-
ing to Merchants, where-
by they are enabled to hold
certain Pleas of Land within
their own Precincts. This
word Gilds or Guilds is so used
Anno 27 E. 3. cap. 51. and Anno
15 R. 2. c. 5. And *Gildhalda Teu-
tonicorum* is used for the Fra-
ternity of Easterling Mer-
chants in London called the Still-
yard, Anno 22 H. 8. c. 8. See
Coke, l. 8. f. 125.

Gisarms.

Gisarms was a certain Weapon,
mentioned 13 E. 1. Stat. 3. c. 6.
Fleta writes it *Sisarms*, l. 1.
cap. 24.

Glebe.

Glebe, are Lands of which the
Rector or Vicar are seised in
Jure Ecclesie.

Gors.

Gors (Gorges) is a Pool or
or Pit of water to keep fish
in, by the Grant whereof the
Dott it self passes; and a Pra-
cipe quod reddat lies of it, as
you may see in 4. Ed. 3. 29. b.
and 8 E. 3. 13. a. and F. N. B.
191. H.

Granage.

Granage, is a Duty in London,
viz. the twentieth part of
Salt Imported by an Alien,
and due to the Mayor, Dyer 352.

Grand Cape.

Grand Cape. Look for it
after in the Title Petit
Cape.

Grand distress.

Grand Distress. See of that
before in the Title Di-
stresses.

Grand Serjeanty.

Grand Serjeanty is, where a
man holds of the King cer-
tain Land by the Service of
carrying his Banner or Lance,
or to lead his Host, or to be his
Carber or Butler at his Cor-
onation, or the like; and that is
the most Honorable Service
that a Tenant may do, and for

Gors.

Gors (Gorges) est un E-
stange ou Gulfe d'eau p
le pserver des peissons, per le
grant de q; le Solle m passer;
& un Præcipe quod reddat gist
de ceo, come est a veir en
4 E. 3. 29. b. & 8 E. 3. 13. a. &
F. N. B. 191. H.

Granage.

Granage, Dury en Londres,
viz. le 20th. part de Salt
Import per un Alien, due al
Mayor, Dyer, 352.

Grand Cape.

Grand Cape. Veles de ceo
apres en le Title Petit
Cape.

Grand Distress.

Grand Distress. Veles de
ceo devant en le Tide Di-
stresses.

Grand Serjeanty.

Grand Serjeantie est, lou un
home tient del Roy cer-
taine Terres p le Service de
porter son Banner ou Lance,
ou amesner son hoste, ou de-
sire son Carver ou Butler a
son Coronmẽt, & tiels sembla-
bles; & ceo est la plus digne
Service q le Tenant polt faĩr,
&

& p̄ ceo est appel *Grand Serjeantie*. Mes *Petit Serjeanty* est, quant ū tient d̄ Roy, rendant a luy annualm̄t un Arc, un Coreau, un Lance, ou tel semblable; & ceo n'est forsque *Socage* en effect; mes hōe ne poit tener ē *Grand Serjeantie* ne p̄ *Petit Serjeantie* si non de Roy. Ruxy si Tenant p̄ *Grand Serjeantie* morust, son Heir, esleant d̄ plein age, payera al Roy pur Relief le value des T̄res, ou s̄ les charges q; il pay al Roy, p̄ *Grād Serjeanty*: mes ceshuy q̄ tient p̄ *Escuage* payera p̄ son Relief forsq̄ C. s.

Ceux que sont en les Marches de Scotland, que tient del Roy p̄ *Cornage*, ceo est, p̄ ventiler un Cornu quant les Scots entrent *Angleterre*, sont Tenants p̄ *Grand Serjeantie*.

Aux ou un home tient del Roy p̄ trover un home en sa Guerre deins le Realm, c'est dit *Grand Serjeantie*, p̄ ceo q; il est fait p̄ Corps d'ū home: Et si le Tenant ne poit trover home de faire ceo, il est tenu de faire ceo luy mesme.

Mes veies le Stat. 12 Car. 2. c. 24. p̄ quel tous les Tenures sont ore turne ē *frank & common Socage*.

Grec.

*G*rec venust del *Francois* parol (*Gre*) *Beneplacitum*; & signifie en nostre Ley *Contentment* ou *Satisfacti-*

that it is called *Grand Serjeanty*. But *Petit Serjeanty* is, when one holds of the King, paying him yearly a Bow, a Sword, a Spear, or such like; and that is but *Socage* in effect: but a man cannot hold in *Grand Serjeanty* or *Petit Serjeanty* but of the King. Also if a Tenant by *Grand Serjeanty* dies, his Heir, being of full age, shall pay to the King for Relief the value of the Lands, besides the charges that he pays to the King by *Grand Serjeanty*; but he that holds by *Escuage* shall pay for his Relief but C. s.

Those that are in the Marches of Scotland, who hold of the King by *Cornage*, that is, to blow an Horn when the Scots enter England, are Tenants in *Grand Serjeanty*.

Also where a man holds of the King to find a man in his Wars within the Realm, that is called *Grand Serjeanty*, because it is done by a mans Body: And if the Tenant cannot find a man to do it, he is bound to do it himself.

But see the Stat. 12 Car. 2. c. 24. whereby all Tenures are now turned into *Free and Common Socage*.

Grec.

*G*rec comes of the French word (*Gre*) good liking; and it signifies in our Law, *Contentment* or *Satisfaction*:
as

as in the Statute of 1 R. 2. c. 15.
to make Grace to the parties to
to give them Contentment or
Satisfaction for an Offence
done unto them.

Green hew.

Green hew is all one with
Vert, as appears by Man-
wood in his Forest Laws, cap. 6.
Fed. 5. And so is the **Vert**.

Green Wax.

Green Wax is a word used in
the Statutes of 42 E. 3. c. 9.
and 7 H. 4. c. 3. and signifies the
Fines, Penalties, Fines and
Amerciaments in the Exche-
quer, and delivered out to the
Sheriffs under the Seal of the
Court, to be levied by them in
their several Counties.

Grithbreach.

Grithbreach, that is, the
Kings Peace broken; be-
cause **Grith** in English is **Pax** in
Latine.

Gule of August.

Gule of August is the first day
of the Calends of August,
which in the time of E. 1. and
E. 3. was called ordinarily the
Gule of August, as appears by

on: come en le Statute 1 R.
de faire Grace par
les est a donner euz content-
ment ou Satisfaction pur un
Offence as euz fait.

Green hew.

Green hew est tout un oye
avec **Vert**, comme p. Man-
wood en son livre del Forest,
chap. 6. Et de la **Vert**.

Green Wax.

Green wax est un parol use
en les Statutes d. 42 E. 3.
c. 9. & 7 H. 4. c. 3. & signi-
fie les Fines, Penalties, Fines
& Amerciaments en l'Exche-
quer, & delivres hors as Vis-
counts soubz le Seale del
Court, destre p. euz levies en
leur several Counties.

Grithbreach.

Grithbreach, hoc est, Pax
Domini Regis fracta; quia
Grith Anglice, **Pax** La-
tine.

Gule de August.

Gule de August est le prin-
cipal jour ou les Calends del
August, q. en le temps E. 1. &
E. 3. fuit usualment appel de
Gule de August, come appiert
per

D.F.N.B. f. 62. l. & Plowden Com. f. 319. b. Est le verie jour S. Peter ad vincula; & le reason pur que est appel le Gule de August est conceive sur un Historie recorde per Durandus en son *Rationale Divinorum*, l. 7. c. 19. d'un Miracle effect par le Chaine de S. Peter sur le file d'un Quirine un Tribune del Rome, que pleu bailler del dit Chaine fut cure des Escrovel en la Gule (gula.) Et veles Hospin: de origine festorum, f. 85. b.

Gultwit.

Gultwit est un amends pur Trespasse, selonque Saxton en son *Description del Angleterre*, c. 11.

F.N.B. l. 62. l. and Plowden Com. l. 319. b. It is the very day of S. Peter ad vincula; and the reason why it was called the Gule of August, is conceived upon a story recorded by Durandus in his *Rationale Divinorum*, l. 7. c. 19. of a Miracle wrought by S. Peter's Chain upon the daughter of one Quirinus a Tribune of Rome, who by the kissing of that Chain was healed of the Kings Evil in her Throat (gula.) And see Hospinian. de origine festorum, f. 85; b.

Gultwit.

Gultwit is an Amends for Trespals, according to Saxton in his *Description of England*, c. 11.

H.

Habeas Corpus.

Habeas Corpus est un Bfe le quel home endite d'asc' Trespasse devant Justices del Peace, ou en un Court d'asc' Franchise, & sur son Prisure estant gist en Prison pur m. polt aver hors del Banke le Roy, p'c' d'amesner luy mesme la a ses costs de mesme, & de respond le Cause ley F.N.B. f. 250. b. l'order en

H.

Habeas Corpus.

Habeas Corpus is a Writ which a man indited of any Trespals before Justices of the Peace, or in a Court of any Franchise, and upon his Apprehension being laid in Prison for the same, may have out of the Kings Bench, thereby to remove himself thither at his own Costs, and to answer the Cause there. F.N.B. f. 250. h. And the

the order in this case is, first to procure a *Certiorari* out of the Chancery, directed to the said Justices, for the removing of the Indictment into the Kings Bench; and upon that to procure this writ to the Sheriff, to cause his Body to be brought at a day, Reg. Judic. f. 21. where you may find many cases where in this writ shall be used.

Habeas Corpora.

Habeas Corpora, is a writ which lies against a Jury, or any of them that refuse to come upon the *Venire facias*, for the Trial of a Cause brought to issue.

Habendum.

Habendum is a word of form in a Conveyance, to the true understanding whereof it is to be observed, That in every Deed of Conveyance there are two principal parts, the Premises, and the Habendum.

The Office of the Premises is, to express the Name of the Grantor, the Grantee, and the thing to be granted. The Office of the Habendum is, to limit the Estate, so that the general Implication of the Estate, which by construction of Law passes in the Premises, is by the Habendum controlled and qualified: as in a Lease to two

ceo case est, primerment d'acquiescer un *Certiorari* hors del Chancery, direct al dits Justices, pur le remover del Indictment & le Banke le Roy; & sur ceo de pcurer cest Bre al Visé, de causer son Corps destre amene al un jour Reg. Judic. f. 21. ou vous poies trover plusieurs cases & queux cest Brief serrause.

Habeas corpora.

Habeas corpora est un Effe que gît contre un Jurie ou aucun d'eux que refusent de venir sur le *Venire facias*, pur le Trial d'un Meistre port al issue.

Habendum.

Habendum est un parol de forme en un Conveyance, al voyer Intelligence de q; est destre observe, que en chesc' Fait de Conveyance la sont deux principal darts, le Premises & l' Habendum.

Le Office des Premises est, d'exprer le nomme del Grantor, le Grantee, & le Chose destre grauntee. L'Office del Habendum est, d'limiter l'Estate, issint q; le general Implication del Estate, que per construction del key passa en les Premises, est p le Habendum controle & qualifie: Sicœ en un Lease a deux hœs,

homes, *Habendum* a l'un p vie, le Remainder al autre pur vie, alter le genal Implication del Joynt-tenancie en le Frank-tenement, que passera p les Premisses, si l' *Habendum* ad este omis. Veles *Coke*, l. 2. f. 55.

men, *Habendum* to the one for life, the Remainder to the other for life, alters the general Implication of the Joynt-tenance in the Free-hold, which passes by the Premisses, if the *Habendum* were not. See *Coke*, l. 2. p. 55.

Habere facias Seisinam.

Habere facias Seisinam.

HAbere facias *Seisinam* est un Brief Judicial que gist lou un ad recover certaine Terres en Court le Roy; donques il avera cest Brief direct al Viscount, luy commandement de done a luy Seisin del Terre, & ne sera retournable.

HAbere facias *Seisinam* is a Writ Judicial, that lies where one hath recovered certain Lands in the Kings Court; then he shall have this writ directed to the Sheriff, commanding him to give him Seisin of that Land, and it shall not be retournable.

Habere facias Vifum.

Habere facias Vifum.

HAbere facias *Vifum* est un Bre q; gist en plusieurs Cases, lou View est estre pris del Tres ou Tenements e question. Veles *F. N. B. in Indice*, verbo *View*; & *Br. l. 5. tra. 3. c. 8.*

HAbere facias *Vifum* is a writ that lies in divers Cases, where view is to be taken of the Lands or Tenements in question. See *F. N. B. In Indice*, verbo *View*; & *Br. l. 5. tra. 3. c. 8.*

Half-bloud.

Half-blood.

Half-bloud. Veles *Demy-fank.*

Half blood. See *Demy-fank.*

Demy Seal.

Half Seal.

Demy Seal est un Seal use e le Chacerle p le sealer des Commissions as Delegates

Half Seal is a Seal used in Chancery for the Sealing of Commissions to Delegates up

on an Appeal in a Cause civil
or marine, as it appears by the
Statute made in 8 Eliz. c. 3.

sur un Appel en un Cause
civil ou marine, come appiert
p^r le Stat. fait en 8 Eliz. c. 3.

Halymote.

Halymote is a Court-Baron,
as appears by Manwood in
his Forest Laws, c. 23. f. 217. a.
And it is called Halymote, that
is, the Meeting of the Tenants
of one Hall or Manor.

Halymote.

Halymote est un Court-Baron,
cōe appiert per Manwood,
à ses Forrest Lays, c. 23. f. 217. a. Et est appel Halymote,
cesta scavoir, le Tenours des
Tenants d'un Hall ou Manor.

Hambling, or Hoxing of Dogs.

Hambling, or Hoxing, or Hock-
finewing of Dogs, are old
forrest terms for the Lawing
of Dogs, when the Custom was
(as appears in Manwood's Forrest
Laws, c. 16. sect. 12.) to cut or
gash Dogs in the Hamms;
but now they use to do it in
their Feet. Of which see Ex-
pediatur.

Hambling, ou Hoxing des Chiens.

Hambling, ou Hoxing, ou
Hock-finewing des Chiens,
sont ancien t'mes del Forrest
p^r le Lawing des Chiens, quant
le custom fult, (cōe appiert p^r
Manw. Fo. Lays, c. 16. sect. 12.)
d coup ou berluffer Chiens à
leur Jareds; mes ore est use
desire fait en leur Pieds. De
q^u veles Expediatur.

Hand-gun.

Hand-gun is an Engine which
is prohibited to be used and
carried about by the Statute of
33 H. 8. c. 6. And though a Dag
was invented of late time, and
after the making of the said
Act, and is not known by the
name of Hand-gun, but a spe-
cial name; yet the carrying of
a Dag is within the said Act,
and comprehended within the
word Hand-gun. So whereas

Hand-gun.

Hand-gun, est un Engine q^u
est phibite desire use &
emport per le Statute de
33 H. 8. c. 6. Et com't que un
Dagge fult chvent de tardise
tēps, & puls le fesus del dit
Act, & n'est conust p^r le nom
d Hand-gun, mes p^r un especial
nomme; uncore le carrying
d'un Dagge est deins le dit
Act, & comprehend deins le
parol Hand-gun. Issint ou
F f Grosse

Crosse-bowes sont prohibee p
le dit Act, & ces Stone-bowes
sont auxy prohibite. Vels
Coke, 5. f. 71, 72.

Cross-bows are forbidden by the
statute, whereby Stone-bows
are also forbidden. See Coke,
l. 5. f. 71, 72.

Hangwit.

Hangwit est, quicumque esse
de latrone suspensio sine
iudicio, vel extra Custodiam
vestram eras.

Hangwit.

Hangwit is, to be guilt of a
Theft or Felony hanged with-
out Judgment, or escaped out of
your custody.

Hanper.

Hanper del Chancery, Anno
10 R. 2. c. 1. semble de
signifier come Fictis original-
ment en Latine.

Hanper of the Chancery, An-
no 10 R. 2. c. 1. seems to signi-
fy as Fictis originally does in
Latine.

Haque.

Haque est un petit Hand-
gun a longueur des trois
quartiers d'un verge, & est
mention e le Stat. d 33 H. 8.
c. 6. & 2 & 3 E. 6. c. 14. La est
auxy parle d'un demi Haque.

Haque is a little Hand-gun of
three quarters of a pace long,
and it is mentioned in the Sta-
tutes of 33 H. 8. c. 6. and 2 & 3
E. 6. c. 14. There is also men-
tion made of an half Haque.

Haquebut.

Haquebut est un Gunne
mention en le Stat. de
2 & 3 E. 6. c. 14. & est tout
un ovc un Arquebuse.

Haquebut is a Gun mentioned
in the Statute of 2 & 3 E. 6.
c. 14. and it is all one with an
Haquebaze.

Harlot.

Harlot est en deux sorts;
l'un Harlot Custome, l'
autre Harlot Service.

Harlot, or Heriot.
Harlot is of two sorts: Har-
riot Custome, and Harriot
Service.

Harlot Service is often expressed in a mans Grant or Deed, that he holds by such Service to pay Harlot at the time of his death. And this Harlot is payable after the death of the Tenant in Fee-simple.

Harlot Custom is, where Harlots have been paid time out of mind by Custom. And this may be after the death of the Tenant for life, &c. But to speak thereof generally :

Harlot is the best Beast (whether it be Horse, Ox, or Cow) that the Tenant had at the time of his death. And a Distress may be either seized or taken for it, whether it be Harlot Service, or Harlot Custom, to the Lords use of whom the Tenant held, by his Bailiff or other Officers. But of right neither the Lord nor his Officer should take Harlot, before it be presented at the next Court holden after the Tenant is dead, that such a Beast is due for his Harlot.

Haward.

Haward, or **Hayward**, is an Officer appointed in every Town to be the Common Herd of the Town : and he is so called, either for that it is one part of his Office to keep the Hedges of inclosed Grounds, so that they be not cropped or broken down ; or because he keeps the Cattle from

Harlot Service est multo forte expresse à le Grant d'un hôte ou à son Fais, q'il tient p' tel Service par payer Harlot al tēps d son mort. Et cest Harlot est payable apres le mort del Tenant en Fee simple.

Harlot Customs est, lou Harlots ont este payes tēps hors de memory p' Custome. Et ceo poit este apres le mort d' Tenant p' vie, &c. Mes a parler de ceo generalment :

Harlot est le meilleur Beast (soit il Chival, Boeuf, ou Vache) que le Tenant ad al temps de son mort. Et n' Distress poit estre seise ou pris p' ceo, soit il Harlot Service, ou Harlot Customs, al use del Seignior de q' le Tenāt tient, p' son Bailiff ou auters Officers. Mes de droit le Seignior ne son Officer ne doit prendre Harlot, devant que il soit present al pechein Court tenu apres le Tenant est mort, que tel Beast est due p' son Harlot.

Hamard.

Haward, ou **Hayward**, est un Officer designe en chescun Ville desue le common Herd del Ville : & il est issint appel, ou pur ceo que un part de son Office est pur garder les Mays de terres enclose, issint que ils ne soient croppe ne enfringe ; ou pur ceo que il garde la Grosse

del parde & destrucion des Avers, issint q; Hay polt estre fait de ceo. Il est un Officer jurus en le Court del Seignior: Par que Serement, veies Kitch. fol. 46.

Haukers.

Haukers est un terme use en les Statutes de 25 H. 8. c. 9. & 33 H. 8. cap. 4. pur Tinkers, queux alont de lieu en lieu per le Pais, & per color des Letters Patents le Roy ou Plachards achatont & vendont Airain & Pewter, & deceive les lieges le Roy & en le poise & en le substance.

Heybote, ou Hedgebote.

Heybote, ou Hedgebote, est necessarie Stuff pur faisr & amend Haies, q; Lessee pur ans ou p vie de common droit polt prendre sur le Tre a luy lesse, nient obstant Il ne soit expresse en son Lease, & nient obstant que il soit un Lease p Parol, sans Escript.

Heybote auxy polt estre prise pur necessarie stuff pur faisr Rakes, Forks, & tels sēbl' Instrumts, ove queux hōes usōr ē Somm p tedder & faisr Felne. Et issint un Lessee pur ans prist c', & fuisit luy allow per son Lessor, puis tost, come jeo suppose, pur ceo que

hurt and destrucion of Catel, so that Hay may be made therof. He is an Officer sworn in the Lords Court: For which Oath, see Kitch. fol. 46.

Haukers.

Haukers is a word used in the Statutes 25 H. 8. cap. 9. and 33 Hen. 8. cap. 4. for Tinkers that go from place to place through the Country, and by colour of the Kings Letters Patents or Placards buy and sell Brass and Pewter, and cozens the Kings people both in the weight and in the stuff.

Hey-bote, or Hedge-bote.

Hey-bote, or Hedge-bote, is necessary Stuff to make and mend Hedges, which the Lessee for years or for life of common right may take upon the Ground to him leased, although it be not expressed in his Lease, and although it be a Lease by Word, without Writing.

Heybote also may be taken for necessary Stuff to make Rakes, Forks, and such like Instruments, wherewith men use in Summer to tedde and make Hay. And so Lessee for years took it, and it was allowed him by his Lessor, the rather, as I suppose, for that such

Instruments are commonly made of slender Under-wood, which by the Common Law the Lessee for years may cut and take as aforesaid.

Head-borow.

Head-borow is compounded of two words, *Heofed*, id est, Head, and *Borhe*, id est, Pledge. So that Head-borow signifies the chief of the three Pledges in a Decennary within a Leet, or he that had the Government of those that are within his own Pledge. And he was called Head-borough, or Borow-head, or Boroughs-holder, or Third-borough, or Tithing-man, or Chief-Pledge, or Borow-Elder, according to the diversity of speech in divers places. And to this day he is now called a Constable.

Head-silver.

Headsilver. See Common Fine.

Heireloome.

Heireloome, is any piece of Household-stuff, which, by the Custom of some Countries, having belonged to a House for certain descents, goes with the House (after the death of the Owner) unto the Heir, and not to the Executors.

tiels Instruments sont faits de slender Subbois, que p le Common Ley, l'Lessee p ans polt succider & prendre, come est avantdit.

Head-borow.

Head-borow est compound des deux parols *Heofed*, id est, Caput, & *Borhe*, id est, Pignus. Il s'ent que Head-borow, signifie le chiefe des Frank-pledges en un Decennarie deins un Leet, ou celuy que avoit l'governance des eux q s'or deins cō Pledge de mesme; & il fult appel Head-borough, ou Borow-head, ou Borough-holder, ou Third-borow, ou Tithing-man, ou Chief-Pledge, ou Borow-Elder, solōq le diversite des dialects des divers lieux. Et a ceo jour est ore appel un Constable.

Head-silver.

Head-silver. Veles Com. Fine.

Heireloome.

Heireloome est ascun parcel des Urensilz dū meuse, que, p le custome del asc' Pais, esteant appartenāt al un Meuse pur certaine descents, ala ove le Meuse (apres le mort del Owner) al Heire, & nemy as Executors.

Herbage.

Herbage est le Fruit del terre provise per nature pur le bit ou bouch del Cattel: Mesll est comunem̄ use pur ū Liberty a pascer le Cattel d'un hom̄ en le fund del aut, come en le Forrest, &c. *Crom. Jurisd. fol. 197.*

Heretico, ou Heretico comburendo.

Heretico comburendo est un Brief que gist vers luy que est un Heretique, ceo est, que ayant estre un foies convaince de Heresie per l' Eveſque, & ayant c' abjure, puis en ceo relapſe arere, ou en aucun autre, & est sur ceo commise al Lay poyar.

Et Brit. lib. 1. cap. 17. dit, Que per le Common Ley ceux persons queux feloniquement arderont auters Bles ou auters Meafons, Sorclers & Sorcleresſes, Sodomites, & Hereticks, seront combures & arſes.

Cest Brief est toll per Stat. Cap. 2.

Hermitage, & Hermite.

Hermite est un Religious home q; devote luy meſme

Herbage.

Herbage is the fruit of the Earth provided by Nature for the bit or mouth of the Cattel: But it is commonly used for a Liberty to feed ones Cattel in anothers mans ground, as in the Forrest, &c. *Cromp. Juris. fol. 197.*

Heretico, or Heretico comburendo.

Heretico comburendo is a Brief that lies against him who is an Heretick, that is, who having been once convicted of Heresie by the Bishop, and having abjured it, afterwards falls into it again, or into some other, and is thereupon committed to the Secular Power.

And Brit. lib. 1. cap. 17. saith, That by the Common Law those persons who feloniously burn the Corn or Houses of others, Sorcerers and Sorceresses, Sodomitical persons and Hereticks, should be burnt and consumed.

This Brief is taken away by the Statute of K. C. 2.

Herritage & Hermite.

Hermite is a Religious Man, who debotes himself to like solitary

solitary in any private Place, Church, Monastery, &c. And his place is called an Hermitage. And of it a Prohibition lies, Nat. Br. 34. G.

a viver solitary ē ascū private lieu ē un Esglise on Mōastery, &c. & son liē est appel Hermitage. Et de ceo Prohibition gill. Nat. Br. 34. G.

Hidage.

Hidage is to be quit, if the King shall tax all the Land by Hides.

Note, that a Hide of Land is a whole Plough-land. And this kind of Taxing by Hides was much used in old time, as well for provision of Armour, as payments of Money; and that chiefly in King Etheldred's days, who in the year of Christ, 1006. when the Danes landed at Sandwich in Kent, taxed all his Land by Hides thus; That every 310 Hides of Land should find one Ship furnished, and every eight Hides should find one Jack and one Saddle, for the defence of the Realm.

Hidage.

Hidage est quietum esse, si Dominus Rex talliaverit totam Terram p Hidas.

Nota, Que un Hide de T're est un entire Plough-land. Et cest kind de Taxing per Hides fult mult use en veile temps, cyblen pur provision de Armour, come paymens de Argent; & c' principalmt en les jours del Roy Etheldred, que en l' an de Christ 1006. qūt les Danes pristera t'erre al Sandwich en Kent, tax tout son T're p Hidas en cest manē. Que chesc' 310 Hides d' T're doiēt trover un Nief furnish, & chesc' 8 Hidas dolent trover un Jacke & un Sallet, pur le defence del Realme.

Hoblers.

Hoblers are mentioned in the Statute of 25 E. 3. Stat. 5. cap. 8. to be such men as by their Tenure are bound to keep a little flag, to give notice of any Invasion, or other danger that happens near the Sea-side where they dwell.

Hoblers.

Hoblers sont mention en le Statute de 25 E. 3. Stat. 5. cap. 8. estre tiels queux p leur Tenure sont lies de malatainer un petit Chival, pur doner notice d' al' Invasion ou aut' pill que happa pchein al Mere lou ils demurront.

Hoghenbine.

Hoghenbine est celuy que vient a un meason en l'guise dun Guest, & la reposa l'rierce nuit, puis quel temps il est accompt un d son Familie en que meason il reposa; & sil offend le Peace l' Roy, son Host covient de respond p luy. *Bract. lib. 3. tract. 2. cap. 10.* En l' Leys d Roy Edward, edite p Monsieur Lambert, il est appell' *Agenbine*, ou vous poyez lier puis de cest meistre.

Homage.

Homage en nostre Livres est deux-fold. Cest a-dire, *Homagium ligeum*, & c' est tant come ligeance, d q; *Bract. parle, l. 3. c. 35. f. 79. Soli Regi debetur sine Dominio seu Servitio.* Et l'autre est *Homagium feudale*, q; ad son original p Tenure. En *Fitz. Nat. Brev. f. 269.* la est un Briel p respecture de cest darreine *Homage*, que est due p reason del Feud ou Tenure. Mes *Homagium ligeum* est inherent & inseparable, & ne poit estre respectus.

Homagium ratione Feodi seu Tenure est desine destre un Service que sera fait en tiel manner: Le Tenant en fee ou fee-taille que tient per Ho-

Hoghenbine.

Hoghenbine, is he who comes Guest-wise to a house, and there lies the thirde night, after which time he is accounted one of his family in whose house he lies; and if he offend the Kings Peace, his Host must be answerable for him. *Bract. lib. 3. tract. 2. cap. 10.* In the Lawes of King Edward, set forth by Lambert, he is called *Agenbine*, where you may read more of this matter.

Homage.

Homage in our Books is twofold. viz. *Homagium ligeum*, and that is as much as Ligeance, of which *Bracton* speaks, lib. 3. cap. 35. fol. 79. *Soli Regi debetur sine Dominio seu Servitio.* And the other is *Homagium feudale*, which hath his original by Tenure. In *Firzh. N. B. fol. 269.* there is a writ for respiting this later Homage, which is due by reason of the Fee or Tenure. But *Homagium ligeum* is inherent and inseparable, and cannot be respited.

Homage, by reason of Fee or Tenure is destined to be a Service which shall be made in this manner: The Tenant in Fee or Fee-tail that holds by Homage,

Homage, shall kneel upon both his knees ungirded, and the Lord shall sit, and hold the hands of his Tenant between his hands, and the Tenant shall say, I become your man from this day forward of life and member, and of earthly honor, and to you shall be faithful and true, and shall bear to you faith for the Lands that I claim to hold of you, saving that Faith I owe to our Lord the King: and then the Lord so sitting shall kiss him.

How Fealty shall be done, look before in Fealty.

The Steward of the Lord may take Fealty, but not Homage. See the Statute 12 Car. 2. cap. 24.

Homage auncestrel.

Homage auncestrel is, where a man and his Ancestors, time out of mind, held their Land of their Lord by Homage. And if such Lord hath received Homage, he is bound to acquit the Tenant against all other Lords above him of every manner Service. And if the Tenant hath done Homage to his Lord, and is impleaded, and vouches the Lord to Warranty; the Lord is bound to warrant him: and if the Tenant lose, he shall recover in value against the Lord so much of the Lands as he had at the time of the

magis, genulera sur ambideux genues disincte, & le Seignour serra seate, & tiendra les maines son Tenant enter ses maines, & le Tenant dire, Jeo devigne vostre home de cest jour en avant de vie & de member, & de terre honneur, & a vous serra foyall & loyall, & soy vous portera des Terres que jeo claime de tex' de vous, salve le soy que jeo doy a nostre Seignour le Roy: & donques le Seignour issint seant luy basera.

Come Fealtie serra fait, veles devant en Fealtie.

Le Seneschal le Seür poit pder Fealty, mes nemy Homage. Veies le Stat. 12 Car. 2. cap. 24.

Homage auncestrel.

Homage auncestrel est, lou un home & ses Ancestors, d temps dont memorie ne courge ont tenus le Terf d' Seignior p Homage. Et si tiel Sür ad receive Homage, il est ten' d' acquitter le Tenant vers tous autres Seigniors paramount luy d' chescun man Service. Et si l' Tenant ad fait Homage a son Sür, & soit implead; & vouche le Seignior a Garrantie; le Seignior est tenu de luy garrant: & si le Tenant perde, il recovra en value vers son Seignior tant des Terres que il avolt al temps de la Voucher, ou

ou unques puis. Auxy si home que tient son Terre p *Homage auncesrel* alien l' Terf en fee, donques l' Allenee ferra *Homage* a son Seignor; mes il ne tiendra per *Homage auncesrel*, pur ceo que le continuance del Tenancie en le lunka dl primer Tenant est discontinuee.

Homagio respectuando.

Homagio respectuando est un Brief direct al Escheatour, luy mandant pur deliver Seisin al Heire de ses Terres a son plein age, comment que son *Homage* ne soit fait. De que veies Fitzh. N. B. fol. 269. A.

Homesoken.

Homesoken, ou Hamisoken, est, quietum esse de Amerciamentis de Ingressu hospitiorum violenter & sine licentia, & contra pacem Domini Regis: Et quod tenentis Placit de hūdi Transgress. facta in Curia vestra, & in Terris vestris.

Homicide, ou Manslaughter.

Homicide ou Man-slaughter, est l' Occider de un home feloniously, sans malice

Bloucher, or at any time after. Also if a man that holds his Land by *Homage auncesrel* alien the Land in fee, then the Allenee shall do *Homage* to his Lord; but he shall not hold by *Homage auncesrel*, for that the continuance of the Tenancy in the Blood of the first Tenant is discontinued.

Homagio respectuando.

Homagio respectuando is a writ directed to the Escheatour, commanding him to deliver Seisin to the Heir of his Lands at his full age, although he hath not made his *Homage*. Of which see Fitz. N. B. l. 269. A.

Homesoken.

Homesoken, or Hamisoken, is, to be quit of Amerciaments for Entering into Houses violently and without licence, and contrary to the Peace of the King: And that you hold Plea of such Trespasses done in your Court, and in your Land.

Homicide, or Manslaughter.

Homicide, or Man-slaughter, is the Killing of a Man feloniously, without malice forethought

thought. It is also defined thus, Homicide is the killing of a man by a man. But if it be done by a Dog, Ox, or other thing, it is not properly called Homicide. It is called Homidium, ab homine & cado, quasi Hominis cadum.

perpense. Il est ainsi définie issint, Homicidium est hominis occisi ab homine facta. Si autem a Canis, Bove, aut alio rei fiat, non dicitur proprie Homicidus. Dicitur Homidium ab homine & cado, quasi hominis cadum.

Homine capto in Withernamium.

Homine capto in Withernamium.

Homine capto in Withernamium, is a writ to take him that hath taken any Bond-man or Woman, and led him or her out of the County, so that he or she cannot be replevied according to Law. Reg. Orig. fol. 79. a.

Homine capto in withernam: est un Brief & pnder luy que ad prise alcun Villaine ou Nief, & trahe luy ou el hors d'l Countie, issint que il ou el ne poit estre replevie accordant al Ley. Reg. Orig. f. 79. a.

Homine replegiando.

Homine replegiando.

Homine replegiando is a writ to deliver men out of Prison upon Bail. In what cases it lies, and in what not, see in Fitz. N. B. f. 66. E. and see here in the Title of Replevin in the end.

Homine replegiando est un Brief pur le baller des homes hors del prison. En queux cases gist, & en queux nemy, veies Fitz. N. B. f. 66. E. & veies hic Tit. Replevin, in fine.

See Replevin.

Vide Replevin.

Honour.

Honour.

Honour, besides the general signification, is used specially for the most noble sort of Lordships, whereof other inferior Lordships or Mannors depend by performance

Honour, pret' le geñal signification, est usé spécialement p le plus noble sort de Seignorie, de que auter inferior Seignories ou Mannors dependant per performance

ance des Customs & Services, un ou autre, al ceux que sont Seignours de ceux. Et semble q; la sont nuls Honours forsq; ceux que originalment appartenaient al Roy; uncore ils posent en apsestre done en fee al Noble-homes. Le manner del Creation de ceux Honours poit en part estre collect hors des Statutes de *An. 31 Hen. 8. cap. 5.* lou *Hampton-Court* est fait un Honour; & *Anno 33 ejusd. cap. 37. & 38* per que *Ampil & Grafton* sont auxy faits Honours; & *Anno 37 ejusd. cap. 18.* per que le Roy ad payar done a luy per ses Letters Patents de cre- &e quater several Honours, *Westminster, Kingston sur Hull, S. Osithes en Essex, & Dodington en Barkshire.*

of Customs and Services, some or other, to those that are Lords of them. And it seems there are no Honours but those which originally appartained to the King; yet they may afterwards be given in fee to Noblemen. The manner of Creating these Honours, may in part be collected out of the Statutes of *Anno 31 Hen. 8. chapter 5.* where *Hampton Court* is made an Honour; and *Anno 33 ejusd. cap. 37, & 38.* whereby *Ampil and Grafton* are likewise made Honours; and *Anno 37 ejusd. cap. 18.* whereby the King hath power given him by his Letters Patents to erect four several Honours, *Westminster, Kingston upon Hull, S. Osithes in Essex, and Dodington in Barkshire.*

Hornegeld.

Hornegeld est, quietum esse & quadam Consuetud exacta per Tallagium p totam Terram; de quacunq; Bestia cornuta.

Hors de son Fee.

Hors de son Fee est un exception par avoider un Action par Rent issuant hors del certain Terre, p luy q; pretend de estre Sür, ou par quelq; Customs ou Services; car si il poit justifie que le

Hornegeld.

Hornegeld is, to be quit of certain Custome exacted by Tillage through all the Land, of whatsoever horn'd Beast.

Hors de son Fee.

Hors de son Fee, is an Exception to avoid an Action for Rent issuing out of certain Land, by him who pretends to be the Lord, or for some Customs or Services; for if he can justifie that the Land

Land is without the compass of his Fee, the Baron falls. Broke hoc Tit. 7, 8. and 1 Institut. 1. b.

Terre est hors de son Fee, le Action morust. Broke, hoc Tit. 7, 8. & 1 Institut. 1. b.

Hospitallers.

HOSPITALLERS (*Hospitularii*) an Order of Knights first founded at Jerusalem, and called the Joannites or Knights of St. John of Jerusalem; and they were called Hospitallers, for that they built an Hospital at Jerusalem for the entertainment of all such as from any part of the world came to visit the Holy places, and did guard and protect such Pilgrims in their Journeys. The Institution of their Order was first allowed by Pope Gelasius the second, about the year 1118. And they had many Privileges granted them, as Immunities from payment of Tithes, &c. And for these they are often mentioned in our Books. You shall find their Privileges reserved to them in Magna Charta, cap. 37. And you shall see the Right of the Kings Subjects vindicated from the Usurpation of their Jurisdiction by the Statute of Westm. 2. cap. 34. Their chief abode is now in the Island of Melita, commonly called Malta, given them by the Emperor Charles the Fifth: And for that they are now called Knights of Malta. All the Lands and Goods of these

Hospitallers.

HOSPITALLERS (*Hospitularii*) un Order des Chivalers primes foundue al Jerusalem, & appellees Joannites ou Chivalers d S. John de Jerusalem; & fueront appellees Hospitallers, p ceo que ils edifie un Hospital al Jerusalem p l'interetement de ceux que vignot ds tous parts dl monde pur Visiter les Sacred lieux, & ils guardot & defendiela Pilgrims en leur journees. Le Institution de cest Order fult primes allow p Pape Gelasius 2. entour l'an 1118. Et ils avoient mults Privileges grantus as eux, come immunities dl paymt des dimes, &c. Et p ceux ils sont plusors fois mentiones en nostre Livres. Trovers leur Privileges as eux reserves in Mag. Char. cap. 37. Et poies veser l'Droit des subjects l' Roy vindicare dl usurpation de leur Jurisdiction per l' Statute Westm. 2. cap. 34. Leur chief Residence est ore en le Isle de Melita, usualment appel Malta, done as eux per l'Emperor Charles le cinquiem: Et p ceo sont appels ore Chivalers d Malta. Touts les Tetres en biens de ceux Chivalers icy en Angleterre

terre fueront mises en le disposition le Roy, per le Stat. de 32 H. 8. cap. 24.

Knights here in England were put in the disposition of the King by the Stat. of 32 H. 8. cap. 24.

Hostler.

Hostler est un Inholder.
Coke Entr. 347.

Hosteler.

Hosteler is an Inholder. Coke Entr. 347.

Hotchpot.

Hotchpot est un Medling ou mixing ensemble, & un partition, de Terres done en Frank-mariage, ouesq; auters Terf & Fee-simple descendus. Pur exemple, Un hōe seisie de 30 acres de Terre en Fee ad issue deux Filles, & donc ouesque un d ses Filles, al un homē que luy marrie, 10 acres de c' Terre en Frank-mariage, & morust seisie de les auters 20 acres. Ore si el que est issint marrie volloit aver alc' part d' les 20 acres d' que sa Pere morust seisie, el doit mit' ses Terres done en Frank-mariage en Hotchpot, c' est adire, el doit refuser d' pder les sole Profits d' Terre dona en Frank-mariage, & suffer le Terre de estre commixt & minglé ensemble ouesque le aut' Terre de que sa Pere morust seisie, issint que un equal Division pot estre fait & lencie perenter luy & sa Soer. Et issint p sa x acres el avera xv; autrement sa Soer voit aver les

Hotchpot.

Hotchpot, is a blending or mixing together, and a partition of Lands given in Frank-mariage, with other Lands in Fee-simple descended. For example, A man seised of thirty Acres of Land in Fee hath issue two Daughters, and gives with one of his Daughters, to a man that marries her, ten Acres of the same Land in Frank-mariage, and dies seised of the other twenty Acres. Now if he that is thus married will have any part of the twenty Acres whereof her Father died seised, he must put her lands given in Frank-mariage in Hotchpot, that is, he must refuse to take the sole Profits of the Land given in Frank-mariage, and suffer the Land to be commixt and mingled together with the other Land whereof her Father died seised, so that an equal Division may be made of the whole between her and her Sister. And thus for her 10 Acres she shall have the 10 Acres

xx Acres of which their Father
died seised.

Houfebote.

Houfebote is necessary Tim-
ber that the Lessee for years
or for life, of common right,
may take upon the Ground, to
repair the Houses upon the same
Ground to him leaséd, although
it be not exprest in the Lease,
and though it be a Lease by
Mort, without Deed. But if
he take more then is needful, he
may be punished by an Action of
Waste.

Hue and Cry.

Hue and Cry, is a pursuit of
one having committed Fel-
ony by the High-way: for
if the party robbed, or any in
the company of one that was
murdered or robbed, comes to
the Constable of the next Town,
and tells him to raise Hue and
Cry, or to make Pursuit after
the Offendor, describing the
party, and shewing, as near as
he can, in what way he is gone;
the Constable ought forthwith
to call upon the Watch for aid
in seeking the Felon; and if he
be not found there, then to give
Warning to the next Constable,
and he to the next to him, until
the Offendor be apprehended, or
at least until he be so pursued to
the Sea-side. Of this see Bract.

les xx acres de queux leur
Pere morust seisse.

Houfebote.

Houfebote est necessaie Me-
risime q le Lessee pur ans
ou pur vie, de common
droit, poit prendre sur le
Terre, a repaier les Measons
sur m le Terre a luy lessa,
nient obstant il ne soit ex-
presse en le Lease, & nient
obstant il soit un Lease p Pa-
rol, sans Fait. Mes si il prist
plus q besoign, il poit estre
punish p un Action de Waste.

Hue and Cry.

Hue & Cry, est un Pursuit
de n ayant commis Felonie
per le Haut chemin: car
si le partie rob, ou aucun en
l'cōpaigne de n q fait murdré
ou rob, vient al Constable
del pchein Ville, & luy com-
manda de faire, *Hue & Cry*,
ou de faire Pursuit puis l'Of-
fendor, describant le partie,
& cy pres q il poit, monstras
quel voy il est ale; le Constable
doit immédiatement de
appeller sur le Paroche p aid
en querance le Felon; & si il
ne soit trouve la, donq; de do-
ner garrein al pchein Constable,
& il ad prochein a luy,
jesq; le Offendor soit appre-
hend, ou al meins jesq; il soit
este pursue al latere de Mere.

De

De ceo veies *Bract. l. 3. tr. 2. c. 5. Smith de Repub. Angl. l. 2. c. 20. & le Statute de Winchester. fait, An. 13 E. 1. & le Stat. de 28 E. 3. c. 11. & An. 27 El. c. 13.*

Huirs.

Huirs. Veies Conders.

Hundred.

Hundreds fueront dividee par *Alfred le Roy*, apres q' il ad dividee le entire Realm en certainz ptes ou sectiōs, le q' l' d' le Saxon pōl *Seytan*, significā d' scinder, il termie *Shires*, ou (sicōe nous uncof ple) *Shares & Portions*. Ceux *Shires* il auxy divide en petits ptes; d' queux ascuns fueront appellees *Lathes*, de le pōl *Gelathian*, q' est de assembler ensemble: aut's *Tithings*, pur ceo q' la fuerōt en chefc' de eux al number d' Dize psons; d' q' chefc' fult Surete & Pledge pur auters bone behaviour: auters *Hundreds*, p' ceo que ils containt Jurisdiction sur un Hundred hōes ou Pledges, amurāt padvent' en deux, ou trois, ou plus Paroches, Boroughs, ou Villes, estiant & adjoynant niens melnes procheine ensemble, en le quel il appoint administration de Justice destre exercise several-

lib. 3. tract. 2. cap. 5. *Smith de Repub. Angl. lib. 2. cap. 20. and the Statute of Winchester, made Anno 13 E. 1. and the Statute of 28 E. 3. cap. 11. and An. 27 El. cap. 13.*

Huirs.

Huirs. Veies Conders.

Hundred.

Hundreds were divided by *King Alfred*, after he had divided the whole Realm into certain parts or sections, which of the Saxon word *Seytan*, signifying to cut, he termed *Shires*, or (as we yet spake) *Shares and Portions*. These *Shires* he also divided into smaller parts; whereof some were called *Lathes*, of the word *Gelathian*, which is to assemble together: others *Tithings*, because there were in each of them to the number of Ten persons, whereof each one was Surety and Pledge for others good behaving: others *Hundreds*, because they contained Jurisdiction over one Hundred Men or Pledges, dwelling peradventure in two, or three, or more Parishes, Boroughs, or Towns, lying and adjoining nevertheless somewhat near together, in which he appointed Administration of Justice to be exercised severally among them

them of the same Hundred, and not that one should run out disorderly into another's Hundred, Lathe, or Tithing, wherein he dwells not.

These Hundreds continue to this day in force, although not altogether to the same purpose whereunto first they were appointed, yet still to very needful, both in time of Peace for good order of Government divers ways, and in War for certainty of levying men; as also for the more ready Collection of Payments granted in Parliament to the Kings of this Realm.

Hundred-Lagh.

Hundred-Lagh signifies the Hundred-Court, from which all the Officers of the Kings Forrest were freed by the Charter of Canutus, cap. 9.

Hundredum.

Hundredum is, to be quit of Money or Customs to be paid to Governours and Hundredors.

Husfastene.

Husfastene (quasi Domi fixus) is he that holds House and Land. Bract. lib. 3. tract. 2. c. 10.

ment enter eux de mesme le Hundred, & nemy q' l'un irra hors disorderment en l'auter Hundred, Lathe, ou Tithing, en que il ne demurt.

Ceux Hundreds continue a cest jour en force, nient obstant ne en tout al fin le purpose put que al primer ils furent ordeine, uncore a ore mult necessaile, & en temps de Peace pur bon order de Governmt divers voies, & en Guerre p' certaintie de levying de hoës; come aitermt p' le plus speedie Collection des Payments grant en Parliaments a les Roys de ceo Realme.

Hundred-Lagh.

Hundred-Lagh signifie le Hundred-Court, de quel tous les Officcers d'l Forrest l' Roy furent exempt per le Chartre de Canutus, cap. 9.

Hundredum.

Hundredum est, quietum esse de Denariis vel Consuetudinibus faciendis Praepositis & Hundredariis.

Husfastene.

Husfastene (quasi Domi fixus) est il q' tient Measori & Tfc. Br. l. 3. fr. 2. c. 10.

Hustings.

Hustings (*Hustingium*) est un Court de Common-Plees tenu devant le Maior & Aldermen de Londres, & est le plus hault Court que lils ont, car Error ou Attaint glit la dan Judgement ou faux Verdict en le Court le Viscount, come appieit per Fitzh. N. B. 22 H. 6. c. 2. & de Statute de 11 H. 7. c. 2. Et autres Cities & Boroughs ont un Court de m le nom, cōe Winchester, Lincoln, York, & Sheppy. Munt appel' d le Saxon Hus, Domus, & Thing, Causa; quasi, Domus Causarum.

Hustings.

Hustings (*Hustingium*) is a Court of Common-Pleas held before the Mayor and Aldermen of London, and is the highest Court they have, for Error or Attaint lies there of a Judgment or false Verdict in the Sheriff's Court, as it appears by Fitzh. N. B. 22 H. 6. c. 2. and the Statute of 11 H. 7. cap. 2. And other Cities and Towns have had a Court of the same name, as Winchester, Lincoln, York, and Sheppy. So called from the Saxon Hus, Domus, and Thing, Causa; quasi, Domus Causarum.

I.

Idemptitate, ou Identitate nominis.

Idemptitate nominis est un Brief q glit lōu Brief de Der, Covenant, Accompt, ou tel semblable Brief est port vers un home, & un autre que ad mesme le nomme ove le Defendant est pris pur luy; donques il avera cest Brief, per que le Viscount ferra inquiry devant le Justice assigne in mesme le Countrie, si soit mesme le pson ou memy; & si ne soit

I.

Idemptitate, or Identitate nominis.

Idemptatis nominis, is a writ that lies where a writ of Debt, Covenant, or Account, or such other writ is brought against a Man, and another that hath the same name with the Defendant, is taken for him; then he shall have this writ, by which the Sheriff shall make Inquiry before the Justice assigned in the same County, if he be the same person or not; and if he be not found

found to be the party, then he shall go without day in peace.

Idiot.

Idiot is he that is a Natural Fool from his Birth, and knows not how to count Twenty pence, or name his Father or Mother, nor tell his own age, or such like waste and common matters, so that it appears he hath no manner of Understanding, Reason, or Government of himself. But if he can read, or learn to read by instruction and information of others, or can measure an Ell of Cloth, or name the Days of the Week, or beget a Child, or such like, whereby it may appear he hath some light of Reason; such a one is no Idiot naturally.

Jeofaile.

Jeofaile is, when the parties to any Suit in Pleading have proceeded so far that they have joyned Issue, which shall be tried, or is tried by a Jury or Enquest; and this Pleading or Issue is so badly pleaded or joyned, that it will be Error if they proceed: then some of the said parties may by their Counsel shew it to the Court, as well after Verdict given and before Judgment, as before the Jury is charged. And the

trove le partie, donques il alera sans jour en peace.

Idiot.

Idiot est celuy que est un sot naturel de sa naissance, & ne sca voit d'accompter xx.d. ou nomme son Pere ou Mere, ne de quel age luy mesme est, ou tel semblable plaine & commun choses, issint q' il appiert que il nad aucun maner d'Entendement, reason, ou gouvernement d' luy mesm. Mes si il poit ller, ou apprehender de lier p destruction & information des autres, ou poit mesure un Ulne de draps, ou nomme les Jours en le semaine, ou engend un Enfant, ou tel semblable, p q' il poit appear que il ad asc' lumen de Reason; tel nest Idiot naturalmēt.

Jeofaile.

Jeofaile est, quant les parties al aucun Suis en pleadant ont a tant pceed que ils ayant joyne Issue, quel sera trie, ou est trie p un Jurie ou Enquest; & cel Pleading ou Issue est cy malement plede ou joyne, que il sera Error si eux pceed: doncque aucun del dits parties poit per leur Counsel monstre c' al Court, auxy bien apres Verdict done & devant Judgment, come devant le Jurie soit charge.

Et le Councel dira, *Cest Enquest ne doit prend'*. Et si soit apres Verdict, donques il poit dire, *al Judgment ne debes aller*. Et p' ceo que p' tels necessites mults delaies fueront en Suits, divers Statutes s'ont faits de redresser ceo, auxy bien en temps d' Roy H. 8. an. 32. c. 30. come en le temps le Roigne Eliz. de queux come poit dire cōe les Civillians, *Quod tametsi Juris formulas amputari jussit Constantinus Imperator, quotidianus tamen forensis usus eas revocasse videtur, vel potius, quod crescant ut Hydræ capita*. Veies auxy ore un novel Statute de Jefsailles, fait en 21 Jac. c. 13.

Jetsam.

Jetsam est, quant un Niese est en peril de se merger, & p' disburden le Niese les Mariners jette les biens en le Mer : & puis nient obstant le Niese perist, nul d' ceux biens que sont appel Jetsam, Floatsam, ou Lagan, sont appel wreck, cy long come ils remain en ou sur le Mer ; mes si asc' d' eux sont mise al t're p' l' Mer, donq; ils seront dit wreck, & passe p' le graunt d' wreck. Coke, l. 5. f. 106.

Councel shall say, This Enquest ye ought not to take. And if it be after Verdict, then he may say, To judgment you ought not to go. And because such necessities occasioned many delays in Suits, divers Statutes are made to redress them, as well in the time of King H. 8. an. 32. c. 30. as of Queen Eliz. whereof we may say as the Civilians, That although Constantine the Emperor commanded the forms of the Law to be cut off, yet the daily use of Pleading doth seem again to recal them, or rather, some of them increase as the heads of Hydra. See also now a new Statute of Jefsailles, made in 21 Jac. c. 13.

Jetsam.

Jetsam is, when a Ship is in danger to be cast away, and to disburthen the Ship, the Mariners cast the Goods into the Sea : and although afterward the Ship perist, none of those goods called Jetsam, Floatsam, or Lagan, are called Wreck, as long as they remain in or upon the Sea ; but if any of them are driven to Land by the Sea, thers they shall be reputed Wreck, and pass by the graunt of Wreck. Coke, l. 5. f. 106.

Jette-

Jettezoon.

Jettezoon, This is mentioned in Policies of Insurance, and signifies Goods thrown into the Sea in a great Storm.

Jettezoon.

Jettezoon, ceo est mention ē Policies d' Insurance, & signifie biens eject en le mere, en un grand storm.

Unlawful Assembly.

UNlawful Assembly is, where people assemble themselves together to do some unlawful thing against the Peace, although they execute not their purpose in deed.

Illoyal Assembly.

Illoyal Assemblée est, lou people eux assemble insimul p faire illoyal chose enconter le Peace, nient obstant que ils ne execute lour purpose en fait.

Imparlance.

Imparlance. See Em parlance.

Imparlance.

Imparlance. Veies Em parlance.

Impeachment of Waste.

Impeachment of Waste (*Imperitio Vastii*) is as much as to say as a Demand made or to be made of Recompence for Waste done by a Tenant that hath but a particular Estate for Life or Years. And therefore he that hath such a Lease without Impeachment of Waste, hath by that a property or interest given him in the Houses and Trees, and may make Waste in them, without being impeached for it, that is, without being questioned or demanded any recompence for the Waste done. See Coke, l. 11. Bowles Case, f. 82. b.

Impeachment de Waste.

Impeachment de waste (*Imperitio Vastii*) est tant adire come un Demand fait ou destre fait p Waste fait p ū Tenant q; nad forsq; un particulier Estate p vie ou p ans. Et p ceo cestuy que ad tiel Lease sans Impeachment de Waste, ad p ceo ū pperle ou intere: a luy done ē les Measons & Arbres, & poit faire Waste en eux sans estre imprach p ceo, cestascavoir, sans estre question ou ascun Recompence d luy demand p le Waste fair. Veies Coke, l. 11. en Bowles Case, f. 82. b.

Implements.

Implements venist ou del parol Francoïs (*Employer*) ou del Latine (*implere*) & est use p choses necessaries destre use en asc' Trade ou Myserie, queux sont *employes* en le practice del dit Trade, ou sans queux l'ouvrage ne poit estre accomplish. Auxy p le Furniure quibus *impletur* Domus. Et en ceo sensse vous trovers le parol plusors foirs e darreine Vclunts & autres Conveyances des Moveables.

Impost.

Impost est un parol Francoïs q signifie Tribute, mes ove nous est prise pur le Tax pay al Roy pur ascun Merchandise emport en ascun Havre hors des lieux ouster le Mer. Et est use en le Statute de 31 Eliz. cap. 5. come un Synonymon ove *Custom* que Merchants payont.

Imprisonment.

Imprisonment est le Restraine del Libertie d'un home, soit e l'over Champs, ou en le Cippes ou Cage en les Streets, ou en le poper Meason d'un home, cyblemece en le common Goal. Et en tous ceux

Implements.

Implements comes either from the French word (*Employer*, to employ) or from the Latine (*implere*, to fill up) and is used for things of necessary use in any Trade or Myserie, which are employed in the practice of the said Trade, or without which the work cannot be accomplished. And for Furniture with which the house is filled. And in that sense you shall find the word often in wills and Conveyances of Moveables.

Impost.

Impost is a French word that signifies Tribute, but with us it is taken for the Tax that is paid the King for any Merchandise brought into any Haven from places beyond the Seas. And it is used in the Statute of 31 Eliz. c. 5. as a word of the same signification with Custom which Merchants pay.

Imprisonment.

Imprisonment is the Restraine of a mans Liberty, whether it be in the open field, or in the Stocks or Cage in the Streets, or in a Mans own House, as well as in the common Goal. And in all these places the par-

ty so restrained is said to be a Prisoner, so long as he hath not his Liberty freely to go at all times to all places whether he will, without Bail or Mainprise.

lleus le partie issint restrain est dit destre un Prisoner, cy longement come il nad son Libertie frankmēt d'ire a tous tēps & lieux lou il voit, sans Baile ou Mainprise.

Incumbent.

Incumbent comes of the Latine (Incumbere) and signifies him that is presented, admitted and instituted to any Church or Benefice with Cure; who is therefore called the Incumbent of that Church, because he doth bend all his study to the discharge of the Cure there.

Incumbent.

Incumbent venust del Latine (Incumbere) & signifie Cessuy que est pſent, admit, & institute al ascon Esglise ou Benefice ove Cure; que est p ceo appel l'Incumbent de ceo Esglise, eo quod incumbit ad Curam animarum ibid. omni studio.

Indicavit.

Indicavit is a Writ or Prohibition that lies for the Patron of a Church, whose Clerk is Defendant in Court-Christian in an Action for Tithes, commenced by another Clerk, and extending to the fourth part of the Church, or of its Tithes; in which case the Suit belongs to the Kings Court, by Westm. 1. c. 5. Wherefore the Defendants Patron (being like to be prejudiced in his Church and Advowson, if the Plaintiff obtain in the Court-Christian) has this means to remove it to the Kings Court. Reg. orig. fol. 35. and Britton, c. 109. This Writ is not returnable; but if they cease not their Suit, he shall have an Attachment.

Indicavit.

Indicavit est un B're ou Prohibition q̄ gist p un Patron d'un Esglise, quel Clerk est Defendant en Court-Christian ē un Action p Tithes, commence p un aut' Clerk, & extendant al quart part del Esglise, ou ses Tithes; en quel case le Suit appartient al Court le Roy, p Westm. 2. c. 5. Et p cest cause le Patron del Defendant (estant en pil destre pjudice en son Esglise & Advowson, si le Plaintife gaine ē le Court-Christian) al cel means il remover al Court de Roy, Reg. orig. f. 35. & Brit. c. 109. Cest Brief n'est retournable; mes s'ils ne cessent leur Suit, il avera un Attachment.

*Inditement.**Inditement.*

Inditement. *Vetus* Endite-
ment.

Inditement. *Dee* Endite-
ment.

*Indorsement.**Indorsement.*

Indorsement, est c' q' est esch
sur le Dorse d'un Escrip;
come le Condition d'un Obl-
igation est dit desre indorse, p
ceo q; est communemēt eschre
sur le Dorse del Obligation.

Indorsement is that which is
written upon the Back of a
Deed, as the Condition of an
Obligation is said to be indorsed,
because it is commonly written
on the Back of the Obligation.

*Induction.**Induction.*

Induction est un lay act fait
per precept del Ordinary
p quel Actual possession de
Eglise est done al Rector ou
Vicar puis son Presentation
& Institution a ceo.

Induction is a lay act made by
precept of the Ordinary, by
which, actual possession of the
Church is given to the Rector or
Vicar after his Presentation
and Institution to it.

*Infangtheef.**Infangtheef.*

Infangtheef est un Privilege
ou Libertie concede al Sñrs
del certain Mannors, p juger
ascun Larons prise deins
leur Fee.

Infangtheef is a Priviledge or
Liberty granted to Lords
of certain Mannors, to judge
any Thief taken within their
Fee.

*Information.**Information.*

Information pur le Roy est
ceo q' p un common pson est
appel un Declaration; & nest
sous soit fait directmēt p le

Information for the King is
that which for a common
person is called a Declaration;
and is not always done directly
by

by the King or his Attorney, but rather by some other man, who sues as well for the King as for himself, upon the breach of some penal Law or Statute, wherein a Penalty is given to the party that will sue for the same; but no Action of Debt to recover it, therefore it must be had by Information.

Roy ou son Attorney, mes p un autre home, qui tam pro Domino Rege quam pro seipso sequitur, sur le breach d'aucun penal Ley ou Statute, en que un Penaltie est donee al partie que vult suer pur ceo; mes nul Action de Det p recover c', donque il doit estre cy per Information.

Ingrosser.

Ingrosser.

Ingrosser comes of the French word Grosier, that is, one that sells by whole-sale. But in our Law an Ingrosser is one that buys Corn, Grain, Butter, Cheese, Fish, or other deay Vi-
tuals, with an intent to sell the same again. And so he is de-
fined in the Stat. of 5 E. 6. c. 14.
made against such Ingrossing.

Ingrosser venust del parol Francois Grosier, id est, Solidarius venditor. Mes en nre Ley n Ingrosser est n q; achare Blees, Graine, Butre, Formage, Poisson, ou autre mort Vi-
tuals, ove un intent p ceux vend arrere. Et issint il est de-
fine en le Stat. de 5 E. 6. c. 14.
fait enconuer tel Ingrosser.

Inheritance.

Inheritance.

Inheritance. See Enheri-
tance.

Inheritance. Veies Enheri-
tance.

Inhibition.

Inhibition.

Inhibition is a Writ to in-
hibit a Judge to proceed
farther in the Cause depending
before him.

Inhibition est un Bre d'in-
hibir un Judge de proceder
ouster en le Cause dependant
devant luy.

And there is another Writ,
where after the Kings Present-
ment to a Benefice, he presents
another, and inhibiteth the Bi-
shop to give Induction to
the first Presenter. Pl. Com. 528.

Et e autre Brief lou puis
Presentment le Roy al Be-
nefice il present autre &
inhibire l' Eveque a
faire Induction al pri-
mer Presentee. Pl. Com. 528.
Veies

Veles *F. N. B. f. 39.* ou il mista Prohibition & Inhibition ensemble. *Inhibition* est plus communement un Bfe issuant hors d'un plus haut Court-Christien a un plus basse & Inferior, sur un Appel, *Anno 24 H. 8. c. 12.* & *Prohibition* hors del Court le Roy de Record al *Westminster* a un Court-Christien, ou a un inferior Court Temporal.

See F. N. B. f. 39. where he puts Prohibition and Inhibition together. *Inhibition* is most commonly a writt issuing forth of an higher Court-Christien, to a lower and inferior, upon an Appel, *Anno 24 H. 8. c. 12.* and *Prohibition* out of the Kings Court of Record at Westminster to a Court-Christien, or to an inferior Temporal Court.

Injunction.

Injunction est un interlocutorie Decree hors del Chancerie, ascan fois a done Possession al Plaigniff par defect de Apparence en le Defendant, as fois al ordinarie Court del Roy, & ascan fois al Court-Christien, d'elles Proceeding en un Cause sur suggestion fait, q si le rigour del Ley prend lieu, est encounter Equitie & Conscience en cel Case. Veles *Westm. part. 2. tit. Proceedings in Chancerie, sect. 25.*

Injunction.

Injunction is an interlocutory Decree out of the Chancery, sometimes to give Possession to the Plaintiff for defect of Appearance in the Defendant; sometimes to the ordinarie Courts of the King, and sometimes to the Court-Christien, to stay Proceeding in a Cause upon suggestion made, that if the rigor of the Law take place, it is against Equity and Conscience in that Case. *See Westm. part. 2. tit. Proceedings in Chancery, sect. 25.*

Inlagarie.

Inlagarie ou *inlagation* est le Restitution d'un Utlawe al Protection del Roy ou al benefice ou condition d'un Subject.

Inlagary.

Inlagary or *Inlagation*, is a Restoration of one outlawed to the Kings Protection, or to the benefit & condition of a Subject.

Inlaugh.

Inlaugh signifie luy que est *sub Lige*, en quelque Frank-

Inlaugh.

Inlaugh signifies him that is *sub Lige*, in some Frank-pledge,

pledge, not out-lawed; of whom
see *Bract. l. 3. tract. 2. c. 11.*

pledge, nemy outlaw; d quel
veies *Bract. l. 3. tract. 2. c. 11.*

Inmates.

Inmates.

Inmates are those persons of
one family that are suffer-
ed to come and dwell in one Cot-
tage together with another fa-
mily, by which the poore of the
Parish will be increased. And
therefore by the Statute of
31 Eliz. c. 7. there is a Penal-
ty of ten Shillings a Month
set upon every one that shall
receive or continue such an
Inmate.

Inmates sont ceux persons
d' un Famille q; sont pmis-
tes p' venir & inhabiter en ū
Cottage ensemble ove un
auter Famille, per q' les pō-
vers del Parish serroint in-
crease. Et si ceo per le Sta-
ture de 31 Eliz. c. 7. la est ū
Penaltie d' dize soulds p' mois
impose per chescun que re-
celvera ou continuera tiel
Inmate.

Inquisition.

Inquisition.

Inquisition. See Enquest.

Inquisition. Veies Enquest.

Inrolment.

Inrolment.

Inrolment is the Registering,
Recording, or Entering of
any Act or Deed in the Chan-
cery, or elsewhere, as of a Re-
cognizance, Fine, Statute, or
Deed indented by the Statute
of 27 H. 8. c. 16. by which a free-
hold shall pass.

Inrolment est le Register,
Recorder, ou Entrer d'asc'
Act ou Fait en le Chancerie
ou auters, come d'un Recog-
nissance, Fine, Statute, on Fait
indent p' le Statute de 27 H.
c. 16. per q' un Frank-tene-
ment passera.

Instant.

Instant.

Instant (in Latine, *Instant*) is
defined by the Logicians,
A thing not dividable in Time,
which is not any Time, nor part
of Time, to which yet the parts

Instant (en Latint, *Instant*)
est define p' les Logicians,
unum indivisible in Temp',
quod non est Tempus, nec pars
Temporis, ad quod tamen par-
tes

res Temporis copulantur, & mult consider en Ley: & comt ne poit actualment estre divide, uncore en considerat' & conceit il poit estre divide, & apply al several purposes, sicome fueront several temps; de quel veies en Plowden's *Commentaries* en le Case enter *Fulmerston & Stuard*, lou le Statute 31 H. 8. (que enact, Que si Abbe deins an devant cest Statute lessa Terre al un, que al temps del seafance de mesme le Lease eyt mesme le Terre al ferme pur terme de ans, donque nient expire, que le Lessee avera cest Terre seulement pur vint un ans) est expound.

Et la est debate, Que quant Termor prent le second Lease, il surrender son form' terme, & sic al mesme temps del priel del second Lease le former terme est expire. Eten le Case enter *Petit & Hales*, cestuy que occide luy mesme, tanque soit mort ne fesoit Felonie, & quant suit mort, ne est en esse, issint que poit estre dit Felon, mes al instant est en Ley adjudge Felon.

Et sont mules autres Cases en Ley, lou l' instant temps, que est indivisible en nature, en consideration del ment & intendment del Sages del Ley est divide; sur queux surde mults arguments de grand use & profound learning.

of time are conjoyned, and much considered in the Law: and though it cannot be actually divided, yet in consideration and conceit it may be divided and applied to several purposes, as if they were several times; whereof see in Plowdens *Commentaries* in the Case between *Fulmerston and Stuard*, when the Statute of 31 H. 8. (which Enacted, That if an Abbe within a year before the Statute had letten Lands to one, who at the time of making that Lease had the same Land to farm for a term of years, then not expired that the Lessee should have that Land only for twenty one years) is expounded.

And there it is debated, That when the Termor takes the second Lease, he surrenders his former term; and so at the same instant of taking the second Lease, the former term is expired. And in the Case between *Petit and Hales*, he who kills himself, commits not felony till he be dead, and when dead, he is not in being, so as to be termed a Felon, but at the instant is in the Law so adjudged.

And there are many other Cases in Law, where the instant time, that is not dividable in nature; in the consideration of the mind and understanding of the Sages of the Law is divided; upon which arise many arguments of great use and profound learning.

Institution.

Institution, is a Faculty made by the Ordinary, by which a Vicar or Rector is approved to be Inducted to a Rectory or Vicarage.

Interdiction.

Interdiction has the same signification in the Common as in the Canon Law, where it is thus defined, *Interdictio est Censura Ecclesiastica prohibens administrationem Divinorum.* And so it is used, 22 H. 8. cap. 12.

Intrusion.

Intrusion is a Mist that lies against him that enters after the death of Tenant in Dower, or other Tenant for Life, and holds out him in the Reversion or Remainder; for which see Fitz. N. B. fol. 203. E. And every entry upon the possession of the King is called an Intrusion; as where the Heir of the Kings Tenant enters after Office, and before Liberty, this is called an Intrusion upon the King, as appears in Stanf. Prerog. fol. 40. and many other Books.

Institution.

Institution est un Faculty fait par l'Ordinaire par quel un Vicar ou Rector est approve de estre induct al Rectorie ou Vicarage.

Interdiction.

Interdiction ad le m signification en le Common cōe en le Canon Ley, où il est ainsi define, *Interdictio est Censura Ecclesiastica prohibens administrationem Divinorum.* Et ainsi il en use, 22 H. 8. c. 12.

Intrusion.

Intrusion est un Brief que gist vers celuy que enter apres le mort Tenant en Dower, ou ascun autre Tenant pur vie, & tenust hors celuy en le Reversion ou Remainder. Vcles p. ceo Fitz. N. B. fol. 203. E. Et chescun Entry sur le possession le Roy est appel un Intrusion; come lou le Heir le Tenant le Roy enter apres Office, & devanc Liverie, ceo est dit un Intrusion sur l' Roy, come appliert en Stanf. Prerog. fol. 40. & mults autres Livres.

Intrusion.

Intrusion. Veies Entrusion.

Inventory.

Inventaire est un Catalogue ou recital en escript des tous les Biens & Chattels dun q; est mort, ove le valuation de eux p' quat' credible p'son, le quel chesc' Exccutor & Administrator doit exhiber al Ordinaire al temps appoint.

Joyntenants.

Joyntenants sont, lou deux homes vient a asc' T'res ou Tenements p' un joynt Title; come si home done Terres a deux homes & leur Heires.

Tenants en common sont, lou deux ont Terres par several Titles, ou per Feoffment al deux, a aver & rener l'un moyeile al un & ses Heires, & l'auter moyeile al autre & ses Heires; en tous ceux cas nul de eux scavoit son several.

Si sont deux ou trois Joyntenants, & un ad issue & devle, donques cestuy ou ceux Joyntenants que surviv' avera l'entierle per Sur-viver.

Si deux Joyntenants sont

Intrusion.

Intrusion. See Entrusion.

Inventory.

An Inventory is a Catalogue or Recital in writing of all the Goods and Chattels of one that is dead, with the Valuation of them by four credible persons, which every Executor and Administrator ought to exhibit to the Ordinary at the time appointed.

Jointenans.

Jointenants are, where two men come to any Lands and Tenements by mejoynt Title; as if a man give Lands to two men, and to their Heirs.

Tenants in common are, where two have Lands by several Titles, or by Feoffment to two, to have and to hold the one half to one and his Heirs, and the other half to another and his Heirs: in all these cases none of them knows his several.

If there be two or three Joyntenants, and one hath Issue and dies, then he or those Joyntenants that overlive shall have the whole by Survivorship.

If two Jointenants by agreement

grantent make Partition betwixen them by Deed, then they are several Tenants.

But if one Joyntenant grant that which belongs to him to a Stranger, then the other Joyntenant and the Stranger are Tenants in common.

And though two Tenants in common be seized thoroughly and of the whole, and one killeth his feoffee, yet if one die, the other shall not make the whole by Purchase, but the Heir of him that dies shall have the half.

And so if there be three Joyntenants, and one of them make a feoffment of his part to another, and the feoffee dies; then his Heir shall have the third part, and the other two are Joyntenants as they were, because they also are seized by one joint Title.

Also if Land be given to the baron and his wife, and the husband alien and dies, the wife shall recover the whole: But if they were Joyntenants before the Coverture, then she shall recover but the half.

If Land be given to the husband and his wife, and a third person, if the third person grant that which belongs to him, the one half passes by this Grant; for that the baron and his wife are but one person in Law, and in this case they have right but to half.

Also if two Joyntenants are of Lands in a Town that is

Partic' enter eux per fait d'agreement, donques ils sont several Tenants.

Mes si un Joyntenant grant q'q' a luy appartient a un Estranger, donques l'autre Joyntenant & l'Estranger sont Tenants en commun.

Et mesmes deux Tenants en commun sont seise per may & per tout, & nul d'eux n'est son feoffee; mais si un d'eux l'est, ne avera l'entree per Surviver, mais l'Heir de celui que d'eux avera le moietie.

Et si il y a trois Joyntenants, & un de eux fait feoffment de son parte a un autre, & le feoffee devie; donques son Heir avera le tierce part, & les autres deux sont Joyntenants come ils fueront, p' ceo que eux deux sont seises p' un joynt Title.

Auxy si Terre soit done al baron & sa feme, & le baron alien & devie, le feme recouvrera l'entree: Mes si ils fueront Joyntenants devant le Coverture donques en quel case il recouvrera forsq; le moietie.

Si Terre soit done al baron & sa feme, & al tierce person, si le tierce person grant ceo que a luy appartient, la moietie passa per cel Grant; p' ceo q; le baron & sa feme sont forsq; un pson en le Ley, & en cest case ils nount en droit forsq; le moietie.

Auxy si deux Joyntenants sont des Terres en Villie que

que est Borough-English, l'on
Terre est devisable; & l'un p
son Testament devisa ceo que
a luy appent a un Estranger,
& devie; cest Devise est
void, & le autre avera lenti-
errie per Surviver, pur ceo
que le Devise ne poit fonder
effect tanque apres le mort le
Devisor; & immediatē apres
le mort le Devisor le droit
devient al autre Joyntenant
per Surviver, que ne clame
riens p le Devisor, mes en
son droit demesne p Survi-
ver. Mes auterment est de Par-
ceners seissies des Terres devi-
sables, *causa qua supra.*

Journies accounts.

Journies accounts (*Dietæ computate*) est un terme
en le Ley que est entendu en
cest mann: Si un Brief soit
abatē sans le default le Plain-
tif ou Demandant, il poit pur-
chase un novel Bfe, que si soit
purchase per *Journies accounts*,
(cest a sçavoir, deins cy petite
temps come il poit apres l'A-
batēmt dī primer Bfe, donq;
cest second Bfe serra come ū
Continuāce del prim Bfe, &
issint oustera l' Tenant du De-
fendant de son Voucher, Plee
de non-tenure, Joyntenancy
pleinment administer, &c. ou
ascun aut' Plee que accue sur
matter apres le date del prim
Brief. Et quinze jours ont
estē reputes un convenient

Borough-English, where Land
is devisable, and one by his
Testament devises that which
belongs to him to a Stranger,
and dies; this Devise is void,
and the other shall have the
whole by Survivor, for that
the Devise may not take effect
till after the death of the Devi-
sor; and immediately after the
death of the Devisor, the right
comes to the other Joyntenant
by Survivor, who claims no-
thing by the Devisor, but in
his own right by Survivor.
But otherwise it is of Parcen-
ers seised of Lands devisable,
causa qua supra.

Journies accounts.

Journies accounts (*Dietæ com-
putate*) is a term in the Law
which is understood thus: If
a writ be abated without the de-
fault of the Plaintiff or Deman-
dant, he may purchase a new
writ, which if it be purchased
by *Journies accounts*, (that is,
within as little time as he possi-
bly can after the Abatement of
the first writ) then this second
writ shall be as a Continuance
of the first, and so shall oust
the Tenant or Defendant of
his Voucher, Plea of Non-
tenure, Joyntenancy fully ad-
ministered, &c. or any other
Plea which arises upon mat-
ter hapning after the date of
the first writ: And fifteen
days have been held a conven-
ient

nient time for the purchase of the new writ. See for this writ by Journies accounts, *Spencers Case, Coke, lib. 6. fol. 9. b.*

temps pur le purchase del novel Brief. Veies pur cest Brief per Journies accounts, *Spencers Case, Coke, lib. 6. fol. 9. b.*

Joyniture.

Joyniture.

Joyniture is an Estate and Assurance made to a Woman in consideration of Marriage, for term of her life, or otherwise; as is mentioned in the Statute of 27 H. 8. cap. 10. Whether it be before or after Marriage. And if it be after, then she may at her liberty after the death of her husband refuse to take or have the Lands so assured for her Joyniture, and demand her Dower at the Common Law. But if it be made before Marriage, then she may not refuse such Joyniture, nor have Dower according to the Common Law, unless that when she brings her writ of Dower, the Defendant pleads such a Plea as will not bar her of her Dower; as if he say in Bar, that her husband was not seised of such Estate whereof she might be endowed, or any such Plea, and doth not shew that she hath a Joyniture made, &c. and therefore demands Judgment of that Action, or any such like Plea, &c. And this was the opinion of Master Brograve at his Reading in Grays-Inn in Summier, An. 1567. 18 Eliz. upon a Branch of the

Joyniture est un Estate & Assurance fait a une Femme en consideration de Marriage, p^r terme de sa vie, ou autrement, come est mention en l' Statute 27 H. 8. cap. 10. soit il devant ou apres Marriage. Et si soit apres, donques el poit a sa libertie apres le mort de sa baron refuser d' prendre ou aver les Terres ainsi assuree p^r sa Joyniture, & demand sa Dower a le Common Ley; Mes si il soit fait devant Marriage, donque el ne poit refuse tiel Joyniture, ne aver Dower accordant al Common Ley, si non que quant el porte sa Brief de Dower, le Defendant pleade tiel Plee que ne volle luy barrer de sa Dower; sicome il d^r en Barre, que sa baron ne fust seise de tiel Estate de que il poit estre endowe, ou aucun tiel Plee, & ne monstre que el ad un Joyniture fait, &c. & pur ceo demand Judgment de cel Action, ou aucun tiel semblable Plee, &c. Et ceo fait le opinion de Monsieur Brograve al son Lecture en Grays-Inn en Summier, An. 1567. 18 Eliz. sur un branch del

del Statute fait, *An. 27 H. 8. cap. 10. concernant Joyntures & Dowers.*

Et de ceux choses de que un feme poit estre endowe, el poit aver un Joynture; come de Mines, *Vilurum terra*, Boys, Villes, Isles, Meadows, & tiels semblables. Item de un Advowson, Reversion dependant sur un Estate par vic, Wind-mill, haut Chamber, Rectory, & tiels autres; & ils sont appels Tenements. Item d'un Villainie, car il est Hereditament. Et de tous ceux profit poit veni al feme. Mes de ceux choses de que nul profit poit venir, mes plustost un charge, un Joynture ne poit estre fait. Veies *5. e matter co. lib. 4. fol. 1. Per-son's Case.*

Jurisdiction.

Jurisdiction est un dignite q un home ad per un povoir faire Justice en Causes de complainte fait devant luy.

Juris utrum.

Juris utrum est un Brief q gist par le Successor Incumbent d'un Benefice, par recover les Terres ou Tenements appartenants al Eglise, que sueront aliens per son Predecessor. Et veies de ceo *Fitz. N. B. fol. 48. R. & veies apud Tr. ultum.*

Statute made 27 H. 8. cap. 10. concerning Joyntures and Dowers.

And of those things whereof a Woman may be endowed, she may have Joynture; as of Mines, *Vilurum terra*, Woods, Towns, Isles, Meadows, and such like. Also of an Advowson, Reversion depending upon an Estate for life, Wind-mill, High Chamber, Rectory, and such other; and they are called Tenements. Also of a Villainie, for he is an Hereditament. And of all these profit may come to the Woman. But of those things whereof no profit will come, but rather a charge, a Joynture cannot be made. See Coke, lib. 4. fol. 1. *Person's Case.*

Jurisdiction.

Jurisdiction is a Dignity which a Man hath by a power to do Justice in Causes of complaint made before him.

Juris utrum.

Juris utrum is a Brief that lies for the succeeding Incumbent of a Benefice, to recover the Lands or Tenements belonging to the Church, which were aliened by his Predecessor. And see of this *Fitz. N. B. fol. 48. R.* and see after in the Title *Utrum.*

Juror.

Juror.

Juror is one of those 24 or 12 men which are sworn to deliver a truth upon such Evidence as shall be given them touching the matter in question: of which see Fitz. Nat. B. fol. 165. D. and the Statute 16 and 17 Car. 2. cap. for returning able and sufficient Jurors.

Juror.

Juror est un de ceux 24 ou 12 hommes qui sont juré à deliver le volenté sur tiel Evidence que l'on leur a touché au le matter en question: de queux veies Fitz. N. B. fol. 165. D. & l'Stat. 16 & 17 Car. 2. cap. for returning able and sufficient Jurors.

Justice Seat.

Justice seat is the highest Court that is held in a Forrest, and it is always held before the Lord Chief Justice of Eyre of the Forrest, upon hearing the Judgments are always given, and the fines for Offences that were presented at the Courts of Attachments, and the Offenders indicted at the Swainmotes. See concerning this Court Manwoods Forrest Laws, cap. 24. fol. 238. b.

Justice Seat.

Justice seat est le plus hault Court qui est tenué en un Forrest, & cest tous temps ténus devant le Lord Chief Justice of Eyre del Forrest, sur un jugement des Judgments sont tous faitz donnes, & les Offences que l'on a presenté as Courts del Attachments, & les Offenders indicts as Swainmotes. Veies de cest Court Manw. Forrest Leys, cap. 24. fol. 238. b.

Justices in Eyre.

Justices in Eyre. See Eyre.

Justicies.

Justicies is a writte directed to the Sheriffe for the dispatch of Justice in some special Cause in his County Court, of which he cannot by his ordinary

Justices en Eyre.

Justices en Eyre. Veies Eyre.

Justicies.

Justicies est un Brief directé au Vicecount par l' dispatch del Justier en alguns special causes en son County Court, des queux il ne peut par son ord

dinarie poyar tener Plee la.
Et de ceo poies voler Prece-
dents en Fitzh. N. B. fol. 117.
C. en Account, & fol. 152. B.
en Annuity, & fol. 119. G. en
Det, & plusieurs autres. Et est
appel un Justices, par ceo que
est un Commission al Viscount
ad iudiciandum aliquem; &
ne require aucun Returne ou
Certificate de c. q. il ad fait.]

power hold Plea there. And of
this you may see Precedents in
Fitzh. N. B. fol. 117. C. in Ac-
count, and fol. 152. B. in An-
nuity, and fol. 119. G. in Debt,
and many others. And it is cal-
led a Justices, because it is a
Commission to the Sheriff to do
a man right; and it requires no
Return or Certificate of what
he hath done.

K.

Keeledge.

Keeledge, is a Custom
payd at Hart-
lepool in Dur-
ham for every Ship
coming into that Port. Rot. Parl.
24. E. 1.

Kiddle.

Kiddle ou Kidel, est un Dam-
ou Wear en un River.
Omnes Kidalli depmantur de
catro penitus per Thameciam
& Medweyam & per totam
Angliam, nisi per costeram Ma-
ris. Magna Char. cap. 24.

Kings silver.

Kings silver, est l'Argent
que est due al Roy
en le Court of Common
Plees, p. un Licence y con-

K.

Keelage.

Keeledge, is a Custom
payd at Hartlepool in
Durham for every Ship
coming into that Port. Rot. Parl.
24. E. 1.

Kiddle.

Kiddle or Kidel, is a Dam
or Wear in a River. All
Kidels shall from henceforth be
utterly put down in the Thames
and Medway, and throughout
all England, except upon the
Sea-coast. Mag. Char. cap. 24.

Kings silver.

Kings silver, is the Money
which is due to the King
in the Court of Common
Plees, for a Licence there
granted

granted to any man to pass a
Fine. Coke, lib. 6. fol. 39,
& 43.

cesse al aucun home a passer
un Fine. Coke, 6. fol. 39,
& 43.

Kintal.

Kintal is a Weight, com-
monly of One hundred
pounds, more or less, according
to the Usage of sundry Nati-
ons. Mr. Plowden in the Case
of Reniger and Fogassa makes
mention of this word.

Kintal.

Kintal est un Poids, com-
munement d'Cent livres,
greinder ou meins, selon le
Usage de divers Nations.
Monsieur Plowden en l'Case
de Reniger & Fogassa fait
mention de c' parol.

Knights Service.

Knights Service was a Te-
nure by which several
Lands in this Nation were
held of the King. But it is
abolished by Statute 12 Car. 2.
cap. 24.

Knight-Service.

Knigh-Service fult un Te-
nure per quel plusieurs
Terres en cest Nation suet
tenus del Roy. Mes il est a-
bolle p Statute 12 Car. 2.
cap. 24.

L.

Laches.

Laches or Laches is an
old French word signi-
fying Blacknesse or
Negligence, as it ap-
pears in Lit. sect. 403.
& 726. where Laches of Entry
is nothing else but a Neglect
in the Infant to enter. So
that I think it may be an old
English word. And when we
say, There is Laches of Entry,
it is as much as to say, There
lack is of Entry, or there is

L.

Laches.

Laches ou Laches, est un
veil parol Francois,
que signifie Negli-
gence, come appiert
en Litt. sect. 403.
& 726. lou Laches del En-
trie nest riens forsque un
Neglect en le Infant p enter.
Issint q, moy semble que poit
estre un vieux parol Anglois.
Et qat nous diomus, Icy est
Laches d'Entrie, est tant a-
dire come, icy est Lache del

Entrée. *Ungre* jco urove
que (*Lafcher*) en Francois
est *Laxare*, & (*Lafche*) signi-
ficat *Ignavum* vel *Flaccidum* :
& pur ceo poit venir auxy del
Francois. Car Etymologies sôt
divers, & plursors foits *ad*
placitum.

Lagan.

L *Agan* est riel parcel des Bi-
ens come les Mariners en
le peril del Naufrage jectont
hors del Niese; & p ceo que
ils scavoient que les biens sont
ponderous, & voilont sinke,
ils siont as eux un Boy en
Corke, alinent q; poient eux
trover, & re-aver. Si l' Niese
soit merge, ou auterfint perish,
ceux biens sont appels *Lagan*
ou *ligan*, a *ligando* : & cy lon-
geint come ils continue sur le
Mer, ils appertinent al Admi-
ral; mes s'ils sont jects sur le
T're, adonque ils sont appels
wreck. & appertinent a celuy
que avoit le *Wreck*, come ap-
pient en *Coke*, l. 5. f. 106.

Lageman.

L *Ageman* est *Homo Legalis*
scu *legitimus*, riel que nous
appellom', Good men of the
Jury. Le parol est urove en
Dooms day-book.

Lack of Entry. Yet I find that
(*Lafcher*) in French is to *Re-
ter*, and (*Lafche*) signifies one
that is idle or lazy: and
therefore it may also come from
the French. For Etymologies
are divers, and many times *ad*
placitum.

Lagan.

L *Agan* is such a parcel of
Goods as the Mariners in a
danger of Shipwreck cast out
of the Ship; and because they
know they are heavy, and will
sink, they casten to them a
Boigh or Cork, that so they
may find them, and have
them again. If the Ship be
drowned, or otherwise perish,
these Goods are called *Lagan* or
Ligan, a *ligando*; and so long
as they continue upon the Sea,
they belong to the Admiral;
but if they are cast upon the
Land, they are then called a
Wreck, and belong to him that
hath the *Wreck*, as it appears in
Coke, l. 5. f. 106.

Lageman.

L *Ageman* est *Homo Legalis* scu
legitimus, such as we call
Good men of the Jury. The
word is found in *Dooms-day-
Book*.

Land.

Land-cheap.

L And-cheap is a payment of 10 d. in the Purchase-money for every Mark thereof, for all the Lands within the Borough of Maldon in Essex, by prescription, which see H. 25. 26. Car. 2. Roll 706. in B. R.

Land-cheap.

L And-cheap est un payment de 10 d. les deniers par chescun Mark del purchase des terra deins le Borough de Maldon en Essex, par prescription. Quel vide H. 25. 26. Car. 2. Roll 706. in B. R.

Lapse.

L Aple (Lapsus) is the Omision of a Patron to present to a Church of his Patronage within six months after an Avoidance by death, or taking of another Benefice without qualification, or notice to him given of the Resignation or Deprivation of the present Incumbent; by which neglect Title is given to the Ordinary to collate to the said Church.

Lapse.

L Aple (Lapsus) est l'Omission del Patron de presenter a l'Eglise de son Patronage deins sixz mois apres Voydance per mort, ou prise del autre Benefice sans qualification, ou notice a luy done del Resignation ou Deprivation del present Incumbent; per que Neglect Title accorde al Ordinaire pur collater al dicte Eglise.

Larcenie.

L Arceny is a wrongful taking away another mans Goods, but not from his person, with a mind to steal them.

And Theft is in two sorts; the one is called simple, and the other Petit or Little Theft.

The first is where the thing stolen exceeds the value of 12 d. and this is Felony.

The other (called Little or Petit Theft) is where the thing stolen does not exceed the value of 12 d. and that is not Felony.

Larcenie.

L Arcenie est un tortus Priuel des biens d'un autre homme mes nemy de son pson, ore un ment d'eux emble.

Et Larcenie est en deux sorts; l'un est appelle simple, & l'autre Petit Larcenie.

Le premier est lou le chose emblee exceda le value de 12 d. & ceo est Felonie.

L'autre (que est appelle Petit Larcenie) est lou le chose emblee ne exceda le value de 12 d. & ceo nest Felonie.

Last.

Last.

Last signifie un certaine
Pols ou Burden; come en
Last de Herring est 10000,
Anno 31 E. 3. Stat. 2. c. 2. un
Last de Hides est douze dozen,
Anno 1 Jac. c. 33.

Lastage.

Lastage est, quietum esse
de quodam Consuetudine
exacta in Nundin' & Mer-
cat', pro rebus carlandis ubi
homo vult.

Latitat.

Latitat est un Bre per que
tous homes en Personal
Actions sont originalement ap-
pels en Banke le Roy de res-
ponder. Ex est appel Latitat,
p' ceo que est suppose p' le Bre
que le Defendant ne soit en ce
trove en le Countee del Mid-
dlessex, come appliert per le
Retourne del Viscount de c'
Countee, mes q' Latitat e' au'
Countee & p' ceo al Visc' de
ceo Countee est cest Bre di-
rect p' luy prender.

Law.

Law. Veles Ley.

Last.

Last signifies a certain weight
or Burthen; as a Last of
Herring is ten thousand, Anno
31 E. 3. Stat. 2. cap. 2. a Last of
Hides is twelve dozen, Anno
1 Jac. c. 33.

Lastage.

Lastage is, to be quit of a cer-
tain Custom granted in
Fairs and Markets, for car-
rying of things where a Man
will.

Latitat.

Latitat is a writ by which all
Men in Personal Actions
are originally called in the
Kings Bench to answer. And
it is called Latitat, because it is
supposed by the writ that the
Defendant cannot be found in
the County of Middlesex, as it
appears by the Return of the
Sheriff of that County, but
that he lurks in another County:
and therefore to the Sheriff of
that County is this writ direct-
ed to apprehend him.

Law.

Law. See Ley.

Law-day.

Law-day signifies a Leet or Sheriffs Court, as it appears by the Statute of 1 R. 4. c. 2. where the Sheriffs Court is so called, and 9 R. 7. f. 21. b. and many other Books, where a Leet is so called. See Smiths Commonwealth, l. 2. c. 21.

Lawing of Dogs.

Lawing of Dogs. See Expeditate.

Lawless man.

Lawless man is he who is extra Legem, an Outlaw. Bract. l. 3. tract. 2. c. 11. num. 1.

Leases.

Leases are Grants or Demises, by one that hath any Estate in any Hereditaments, of those Hereditaments to another for the lesser time. And they are in divers manners; viz. for term of Life, for Years, for anothers Life, and at Will.

Also a Lease of Land is as good without Deed, as with Deed.

But in a Lease for term of Life it behoves to give Liberty and Heirship upon the Land, or else nothing shall pass by the Grant, because they are called Free-holds.

Also a Lease of a Common

Law-day.

Law-day signifie un Leet ou Tourne del Vise, cōe applert per le Stat. 1 E. 4. f. 2. lou le Tourne le Vise est il finit appel, & 9 R. 7. f. 21. b. & plusors aut's Livres, lou ū Leet est il finit appel. Veies Smith de Repub. Anglorum, l. 2. c. 21.

Lawing of Dogs.

Lawing of Dogs. Veies Expeditate.

Lawless man.

Lawless man est il q est extra Legem, un Outlaw. Br. l. 3. tract. 2. c. 11. num. 1.

Leases.

Leases sont Grants ou Demises, p un q ad alcun Estate ē Hereditaments, d ceux Hereditaments al autre p meind temps. Et c sont en divers manners; cestascavoir, p terme de Vie, p Ans, p autre Vie, & a Volunt.

Auxy un Lease de Tfe est auxy bone sans Fait, come p Fait.

Mes en ū Lease p terme de Vie il covient de done Liverie & Selsin sur le Terre, ou autrement riens passera p le Grant, p ceo q ils sont appellez Frank-tenements.

Auxy ū Lease d'un Common ou

ou Rent ne poit este bone sans Fait.

Mes d'un Parsonage que ad Glebe il est bone sans Fait, pur ceo q le Glebe del Eglise, que est le Principal, poit aller bien passer sans Fait; & issint les Dismes & Offerings, que sont come accessorie al Eglise.

Mes Dismes & Offerings per soy ne poient este lesles sans Fait, ut dicitur.

or Rent may not be good without Deed.

But of a Parsonage that hath Glebe it is good without Deed, for that the Glebe of the Church, which is the principal, may well enough pass without Deed; and so the Dismes and Offerings, which are as accessory to the Church.

But Dismes and Offerings by themselves may not be let without Deed, as it is said.

Lect.

Lett est un Court derive hors del Tourne le Visc', & inquire des tous Offences south l'degree d Hault Treason qu'x sont commises encont' le Corde & Dignite le Roy. Mes ceux Offences queux sont punies p perde de vie ou member sont seulement inquirables la, & desirer certifies ouster as Justices del Assise. Velez Stat. 1 E. 3. c. 17.

Lect.

Lett is a Court derived out of the Sheriffs Courne, and inquires of all Offences under the degree of High Treason that are committed against the Crown and Dignity of the King. But those Offences which are to be punished with loss of life or member, are only inquirable there, and to be certified over to the Justices of Assise. See Stat. 1. E. 3. c. 17.

Legacie.

Legacie (Legatum) est un r'me del Civil Ley, & est ceo q nous en nostre Ley appel- lous un Devise, viz. Tres ou Biens done al asc' p le Volunt ou Testament d'un auter, Velez plus Tit. Devise devant.

Legacy.

Legacy (Legatum) is a term of the Civil Law, and is that which we in our Law call a Devise, viz. Lands or Goods given unto any man by the Will or Testament of another. See more, Tit. Devise before.

Lessor & Lessee.

Lessor est celui que lessa Tres ou Tenements al aur'

Lessor and Lessee.

Lessor is he that leases Lands or Tenements to another for;

for term of life, years, or at will;
And he to whom the Lease is
made is called Lessee.

pur terme de vie, ans, ou a vo-
lunté: Et celuy a que le Lease
est fait est appel Lessee.

Levant and Couchant.

Levant & couchant.

Levant and Couchant is said,
when the Beasts or Cattel
of a Stranger are come in-
to another mans Ground, and
there have remained a certain
good space of time.

Levant & couchant est dit,
quant les Beasts ou Cattel
d'un Estranger sont ve-
nus à le T're d'un aut' home,
& la ont remaine un certain
bons space de temps.

Levari facias.

Levari facias.

Levari facias is a Writ directed
to the Sherif for the Levy-
ing of a sum of money upon
the Lands, Tenements and
Chattels of him that hath for-
feited a Recognizance. See F.
N. B. fol. 263. D.

Levari facias est un Brief
direct al Viscount p' le
Levir d'un somme des
deniers sur les T'res, Tenemens,
& Chateaux cestuy que ad for-
feit un Recognizance. Veies
F. N. B. f. 263. D.

Law.

Ley.

Law is, when an Action of
Debt is brought against one
upon some secret agreement
or Contract had between the
parties without specialty betwe-
en, or other matter of Record;
as in an Action of Detinue for
some Goods or Chattels lent or
left with the Defendant; then
the Defendant may waive his
Law, if he will, that is, to sue
upon a Writ, and certain per-
sons with him, that he detains
not the Goods, or oth' anything to
the Plaintiff, in manner and
form as he hath declared.

Ley est, quant Action de
Debt est portée vers un sur
sic' secret Agreement ou
Contract eue entre les parties
sans Especialité mōstre, ou au-
tre de Record; cōc en un
Action de Detinue per aucuns
biens ou chateaux accomodés
ou reloués ave le Defendant;
donques le Defendant poit ga-
ger son Ley, si il vuole, cestà-
voire, jurer sur un Livre, &
certains persons ave luy, q' il
ne detient les biens, ou doit
rien al Plaintiff, en man-
ner & forme come il ad declare.

And it is allowed only in
cases of Secrecy, where the

Et c'est allowé seulement
en cas de Secrecie, ou la
Plain-

Plaintife ne poit prouver le Surmise de son Suit p aucun Fait ou Overt actio: car le Defendant poit ceo discharge leement penter eux, sans asc Acquittance ou Publique act. Et p ceo en Action d Det sur un Lease per ans, ou sur Arrerages d Accompt devant Auditors assigne, home ne gagera son Ley.

Mes quant un gagera son Ley, il amesnera ovesque luy vij, viij, ou xij de ces Vicines, come le Court luy assignera, de jurer ovesque luy; mult semble al Seremt que eux fesoient q; son uses en le Civill Ley, de purger auters d'ascun crime al eux impare, que sont appel Compurgators.

Nota q; l' Offer de faire le Seremt est appel le Gager del Ley, & quant il est accomplish, donques est appel le Fesans del Ley.

Et si le Viscount en ascun Action retourne, q; il eyt summon le Defendant d'apparee en Court a ascun jour a responder le Plaintife, a quel jour il fait Default; Proccesse sera agard vers luy, de yener & save, ou excuse son default; que est tant adire, come a purgare moram, ou autrement de perdre le chose demand: Et le Defendant vienr, & jure que il ne fuit summon, que est appel gager del Ley, donques il doit ceo faire al jour assigne, ove xij auters. Et en fesans del

Plaintiff cannot prove the surmise of his Suit by any Deed or Open act: for the Defendant might discharge it publicly between them without any Acquittance or Publick act. And therefore in an Action of Debt upon a Lease for years, or upon Arrerages of accompt before Auditors assigned, a man shall not wage his Law.

But when one shall wage his Law, he shall bring with him vij, viij, or xij of his Neighbours, as the Court shall assign him, to swear with him, much like the Oath which they make who are used in the Civill Law, to purge others of any crime laid against them, who are called Compurgators.

Note, that the Offer to make the Oath is called Wager of Law; and when it is accomplished, then it is called the Doing of your Law.

And if the Sheriff in any Action return, that he hath summoned the Defendant to appear in Court at any day to answer the Plaintiff, at which day he makes Default; Proccesse shall be awarded against him, to come and save, or excuse his Default; which is as much to say, as to excuse the Delay, or otherwise to lose the thing demanded: And the Defendant comes, and swears he was not summoned, which is called waging of Law; then he ought to do it at the day assigned, with xij others. And in doing of his Law

Law he ought upon his Oath to affirm directly the contrary of that which is imputed to him; But the others shall only say, They think he said the truth.

Libel.

Libel (*Libellus*) is a term of the Civil Law, signifying the Original Declaration in any Action; and so it is used in the Statutes of 2 H. 3. cap. 3. and 2 E. 6. cap. 13. But an infamous Libel signifies properly in our Law a scandalous report of any man unlawfully published in writing: of which see *Cok. lib. 5. fol. 125. a.*

Liberate.

Liberate is a Warrant issuing out of the Chancery to the Treasurer, Chamberlains, and Barons of the Exchequer, or Clerk of the Hammer, &c. for the payment of any yearly Pension, or other Sum granted under the Great Seal. *Regist. orig. 192.* Sometimes to the Sheriff, &c. *Fitz. N. B. fol. 122.* for the delivery of Lands or Goods taken upon Forfeiture of a Recognizance, *F. N. B. 131, 132. Cok. lib. 4. Fulwoods Case, fol. 64, 66, 67.* Also to a Gaoler from the Justices, for the delivery of a Prisoner that hath put in Bail for his Appearance.

Ley il doit sur son Serement affirmer directement al contraire de q^e est impute a luy: Mes les autres dirra sculment, que eux entende que il dit la verité.

Libel.

Libel (*Libellus*) est un terme del Civil Ley, & signifie l'Original Declaration en aucun Action; & ainsi est use en les Statutes, 2 Hen. 3. cap. 3. & 2 E. 6. cap. 13. Et *infamous Libellus* signifie p^{ro}prement en nostre Ley un scandalous report d'un homme illoyalment public en escript. Veies d' *ceo Cokel. 5 f. 125. a.*

Liberate.

Liberate est un Garrant issuant hors del Chancerie al Tresurer, Chamberlains, & Barons d' Exchequer, ou Clerke del Hammer, &c. p^our le Payme^{nt} d' aucun annual Pension, ou autres Somme graunte sous le Grand Seal, *Regist. orig. 192.* Ou aucun solas al Viscount, &c. *F. N. B. fol. 132.* pur le deliv^{er}ie d' Terres ou Biens prise sur Forfeiture dun Recognizance, *Fitz. N. B. 131, 132. Cokel. lib. 4. Fulwoods Case, fol. 64, 66, 67.* Auxy a un Gaoler del Justices, pur le deliv^{er}ie dun Prisoner que ad^{mi}ttu^{er} eins Baile pur son Appearance.

Est auxi un autre Brief fait hors del Petty-bag Office en Chancery, sur Stat' Scaple, puis il extent sur ceo retorne; per quel le Viscount retorne q il aver liver la terr extend, al Couznee: Quel escient file, il polt donques (& nient devant) porter son Action d Ejectione a recover possession des terrs extend.

Libertate probanda.

Libertate probanda. Vñ de ceo en le Title *Magno habendo.*

Librata Terra.

Librata Terra contein quatre Ox-gangs, & chescun Ox-gang 13 Acres de Tef. Skene de verbi. signif. verbo Bovata Terra.

Lien.

Lien est un paroll de deux significacions. Personallien come Bond, Covenant ou Contract. Et real lien come Judgment, Statute, Recognizance, ou Original brevettus un lien queux oblige & affect la terre.

Ligeance.

Ligeance est un voif & loyal Obedience des Subject due a son Sovereigne; & cest Li-

There is also another Brief made out of the Petty-bag Office in Chancery, upon a Statute Scaple, after an Ejectione retourn; by which the Sheriff returns he has delivered the Land extended to the Cognizee; which being filed, he may then (& not before) bring his Action of Ejectione to recover possession of the Land extended.

Libertate probanda.

Libertate probanda. Look for that in the Title *Magno habendo.*

Librata Terra.

Librata Terra contains four Ox-gangs, and every Ox-gang 13 Acres of Land. Skene de verb. signif. verbo Bovata Terra.

Lien.

Lien is a word of two significacions. Personallien, and come bond, Covenant or Contract. And real lien, as Judgment, Statute, Recognizance, or an Original against an Heir which oblige and affect the land.

Ligeance.

Ligeance is a true and faithful Obedience of the Subject due to his Sovereignty; and

this Ligeance, which is an incident inseparable to every Subject, is in four manners: the first is natural, the second acquired, the third local, and the fourth legal. Of all which you may read much excellent Learning in Cook. lib. 7. Calvin's Case.

Ligeance, que est un incident inseparable a chescun Subject, est en quater manieres: le premier est natural, le second acquisit, le tierce local, & le quart legal. De tous queux vous poles lier mult bone erudicion en Cook lib. 7. Calvin's Case.

Limitation.

Limitation.

Limitation is an Assignment of a space or time, within which he that will sue for any Lands or Hereditaments ought to prove, that he or his Ancestor was seised of the thing demanded, or otherwise he shall not maintain his Suit or Action; which Assignments are made by divers Statutes: As the Statute of Merton, cap. 8. Westm. 1. cap. 38. 32 Hen. 8. cap. 2. &c.

Limitation est un Assignement de space ou temps, deins quel celiuy q; vult s'uer p aucuns Terres ou Hereditaments doit prver, que il ou son Ancestor fait seise de la chose demandee, ou autrement ne maintiendra son Suit ou Action; quel Assignments sont faits par divers Statutes: Cossi le Stat. de Merton, cap. 8. Westm. 1. cap. 38. 32 Hen. 8. cap. 2. &c.

Livery of Seisin.

Livree de Seisin.

Livery of Seisin is a Ceremony used in Conveyance of Lands and Tenements, where an Estate in Fee-simple, Fee-tail, or a Freehold shall pass. And it is a Testimonial of the willing departing of him who makes the Livery from the thing whereof Livery is made. And the receiving of the Livery is a willing Acceptance by the other party of all that whereof the other hath devised himself. And it was intended as an open and notorious thing, by means

Livree de Seisin est un Ceremonie use en Conveyance de Terres ou Tenements, l'on un Estate en Fee-simple, Fee-tail, ou un Freehold tenement passera. Et il est un Testimoigne de le volontarie Departing d' luy que fait le Livree de la chose de que Livree est fait. Et le rescelt del Livree est un volontarie Acceptancee par le autre partie de tout ceo de que autre ad luy devesse. Et fait invent come un overt & notorious chose

chose, per meanes de que le common people poient aver Intelligence de Pasing ou Alteration de Estates de hōe al home, que p ceo ils poient estre le meilleur able pur trier en que le droit & possession de Terres & Tenements fueront, fils doivent estre empanel en Jures, ou autrement ont a faire concernant ceo,

Le common manner de *Livrie de Seisin* est en cest sort: Si il soit en l'overt Champ, ou ne soit Edifices ou Meason, donques un que poit lier prist le fait en son main, si l'Estare passera p Fait, & declara al eux q; la soit le cause de lour vener la ensemble, &c. & donq's overtint ila le Fait, ou declare l'effect de ceo; & apres que il est seale, le partie que est a departer ove le Terre prist le Fait en la main ovesq; un Clod del terre, & u Twigge ou Bough, si y ad ascun la, q il deliver al autre partie en le nosme de Possession ou seisin, accordant al forme & effect del Fait la lie ou declare. Mes sil soit un Habitation ou Edificee sur le Terre, donques ceo est fait a Door de ceo, nul cœant relinquish a cest temps deins le Meason; & le parole deliver tous les avantdits, ovesque l'Annuel de le Door, en nosme de Seisin ou Possession; & si que receive le *Livrie* entra primes sole, & shutra le doore, & present-

wherof the common People might have knowledge of the Pasing or Iteration of Estates from man to man, that thereby they might be the better able to try in whom the right and possession of Lands and Tenements were, if they should be impanelled in Juries, or otherwise have to do concerning the same.

The common manner of Delivery of Seisin is thus: It is be in the open field, where is no Building or House, then one that can read takes the Writting in his hand, if the Estate pass by Deed, and declares to the standers by the cause of their meeting there together, &c. and then openly reads the Deed, or declares the effect thereof; and after that is sealed, the party who is to depart from the Ground takes the Deed in his hands, with a Clod of the earth, and a Twig or Bough, if any be there, which he delivers to the other party in the name of Possession or Seisin, according to the form and effect of the Deed there read or declared. But if there be a Dwelling-house or Building upon the Land, then this is done at the Door of the same, none being left at that time within the House; and the party delivers all aforesaid, with the Ring of the Door, in the name of Seisin or Possession; and he that receives the *Livry* enters in first alone, and shuts the door, and

and presently opens it again, and lets them in, &c. If it be a House where to is no Land or Ground, the Liberty is made and Possession taken by the delivery of the Ring of the Door and Deed only. And where it is without Deed, either of Lands or Tenements, there the party declares by word of mouth, before witnesses, the Estate that he means to depart with, and then delivers Seisin or Possession in manner aforesaid; And so the Land or Tenement both pass as well as by Deed, and that by force of the Liberty of Seisin. It was agreed in Gray's Inn by Master Snagge, at his Reading there in Summer, Anno 1574. That if a Feoffor deliver the Deed in view of the Land, in name of Seisin, that is good, because he hath a Possession in himself. But otherwile it is of an Attorney, for he must go to the Land, and take Possession himself, before he can give Possession to another, according to the words of his Warrant, &c. And where Liberty of Seisin is by View, if the Feoffee do not enter after, &c. nothing passes, for he ought to enter in Deed.

ment overt ceo, & lessa eux eins, &c. Sil soit de un Meason a que est nul Terre, le Liverie est fait & Possession prise per le delivrie del Anuel de le Door & Fait seulement. Et lou il est sans Fait, de Terres ou Tenements, la le partie declare p Parol, devant tesmoignes, l'Estate ovesque il entende de departer, & donques deliver Seisin ou Possession en manner avant-dit: Et issint le Terre ou Tenement passera cybien cõe per Fait, & ceo per forcẽ de Liverie de Seisin. Il fust agree en Gray's Inn per Master Snagge, al son Lecture-la en Summer, Anno 1574. Que si un Feoffor deliver la Fait en view del Terre, en nosme de Seisin, que il est bone, pur ceo que il ad un Possession en luy mesme. Mes autrement est dun Attorney, car il doit aler al Terre, & prise Possession luy mesme, devant que il soit doner Possession al autre, accordant al parols de son Garrant, &c. Et lou Liverie de Seisin est p le View, si le Feoffee ne entra pas puis, &c. nul chose passa, car il doit enter en fait.

Lollards.

Lollards were Dogmatists in Religion in the times of E. 3. and H. 5. and in those times were reputed Hereticks; as ap-

Lollards.

Lollards fueront Dogmatists en Religion en le temps E. 3. & H. 5. & en ceux temps fueront reputes Heretiques

riques; cōe appiert p le Stat. en 5 R. 2. cap. 5. & 2 H. 5. cap. 7. Queux Stat. vous troveres repealed en 1 E. 6. c. 12. & 1 El. cap. 1. Avoient leur denomination (come ascuns pensolent) del un Gualt. Lolhard un Garmanois, qui vixit circa An.Dom. 1315. & fult l' prim author d cest Sect.

pears by the Statutes in 5. R. 2. cap. 5. and 2 H. 5. cap. 7. Which Statutes you shall find repealed in 1 E. 6. cap. 12. and 1 El. cap. 1. They had their name (as some think) from one Gualter Lolhard a German, who lived about the year 1315. and was the first Author of this Sect.

Lord en Grosse.

Lord en Grosse ē il que ē Sñr sans Mañor, cōe le Roy ē respect de son Corōñ. F. N.B. fol. 5. Un hōe fait Doñ en taille de tout son Terre, a tēner de luy, & morust; son Heire nad rien forsique *Suignorie en Grosse*.

Lord in Grosse.

Lord in Grosse is he who is Lord without a Manor, as the King in respect of his Crown, Fitz. Nat. Brev. fol. 5. A man makes a Gift in tail of all his Land, to hold of him, and dies; his Heir hath nothing but a Seignory in Gros.

Lotherwit.

Lotherwit est, quod capitulis emendas ab ipso qui corrumpit vestram Nationem sine licentia vestra.

Lotherwit.

Lotherwit is, that you may take amends of him who doth defile your Bondsmen without your licence.

Lushborow.

Lushborow fult un counterfeit Colū en le tēps E. 3. fait ouster le Mer, en similitude des deniers Anglois, & port eins pur deceiver le Roy & ses Subjects. Et p ceo est declare destre Treason p le Statute 25 E. 3. Stat. 5. c. 2. p ascun home de ceo porter deins le Realme, sil scavoit q est faux.

Lushburgh.

Lushburgh was a counterfeit Coin in the time of E. 3. made beyond Seas, in likeness of English Moneys, and brought in to deceive the King and his Subjects. And therefore it is declared to be Treason by the Stat. of 25 E. 3. Stat. 5. cap. 2. for any man to bring it into the Realm, knowing it to be false.

M.

Mæghote.

M.

Mæghote.

Mæghote was a a Re-
compence for a kins-
man slain.

Maihem or Mairne.

Maihem or Mairne is, where
by the wrongful act of an-
other any Member is hurt or
taken away, whereby the par-
ty is made imperfect to fight :
As if a Bone be taken out of
the Head, or broken in any other
part of the Body, or Foot,
or Hand, or Finger, or Joynt
of a Foot; or any Mem-
ber be cut; or by some Wound
the Sinewes be made to shrink,
or the Fingers made crooked;
or if an Eye be put out, Feye-
teeth broken, or any other
thing hurt in a mans Bo-
dy; by means whereof he is
made the less able to de-
fend himself, or offend his
enemy.

But the cutting off of an Ear
or Nose, or breaking of the
Hinder-teeth, or such like, is
no Maihem, because it is ra-
ther a deformity of Body then
diminishing of Strength; and
that is commonly tryed by
the Justices beholding the par-
ty. And if the Justices band

Mæghote Compensa-
tion pro Cognato
interfecto.

Maihem ou Mairne.

Maihem est, lou p l'ot-
trious act d'auter aucun
Member est damnié ou tolle;
per que le partie est fait im-
perfect a combatre: Come si
un Osse soit prise hors del
Test, ou un debruisse en aucun
auter pt del Corps, ou un Pee,
ou Main, ou Digit, ou Joynt
dun Pee; ou asc' Member soit
scy; ou p asc' plage les Nerves
sont fait d shrinker, ou les
Dights fait curve; ou si un
Oyel soit mise hors, antierior
Dents dbruisse, ou asc' auter
chose en le Corps dun home;
p reason de quel il est fait
le meins able pur defender
luy mesme, ou offend son
enemy.

Mes le scier de un Oriol ou
Nase, ou l'enfriendrer d'l Dets
moliers, ou tiels semblables;
nest asc' Maihem, p ceo q il
est plus un Deformitie de le
corps q un Defect d'l Strength;
& ceo est communement try
p l'inspection del partie p les
Justices. Et si les Justices sont

en doubt si le damage soit un *Maihem* ou nemy, ils use & voilent de leur grand discretion prendre aide & opinion de ascun credite Surgeon, pur consider de ceo, devant que ils determine sur le Case.

in doubt whether the hurt be a *Maihem* or not, they use and will of their own discretion take the help and opinion of some skilful Chirurgeon, to consider thereof, before they determine upon the Cause.

Mainpernable.

Mainpernable: q̄ poit eslr mainprise ou delivered al *Mainpernors*. Veies le Statute de *Westm. 1. Cap. 15.* queux persons sont mainpernable, queux nemy.

Mainpernable.

Mainpernable: that may be mainprised or delivered to *Mainpernors*. See the Statute of *Westm. 1. Cap. 15.* what persons may be mainpernable, what not.

Mainprise.

Mainprise est, quant un home est arrest per *Capias*, les Judges poient deliver son corps a certain homes pur garder. & de luy mesne devant eux a certain jour; & eux sont appellees *Mainpernors*: & si le partie ne appear al jour assigne, l' *Mainpernors* seront amercie.

Mainprise.

Mainprise is, when a man is arrested by *Capias*, the Judge may deliver his body to certain men to keep, and to bring before him at a certain day; and these are called *Mainpernors*: and if the party appear not at the day assigned, the *Mainpernors* shall be amerced.

Maintenance.

Maintenance est, lou asc' home don ou deliver a u aut', que est Plaintife ou Defendant en asc' Action, asc' somme d'argent ou aut' chose pur maintenir son Plee, ou fait extreme labour pur luy q̄r il nad riens a ceo faire; donq's l'aut' prie grieve avera

Maintenance.

Maintenance is, where any man gives or delivers to another, that is Plaintiff or Defendant in any Action, any sum of money or other thing to maintain his Plea, or takes great pains for him when he hath nothing therewith to do; then the party grieved shall have again

against him a *Writ* called a
Writ of Maintenance.

vers luy un Brief appelle B^{re}
de Maintenance.

Manbote.

Manbote signifies a Pecuniary Compensation for the killing a man. *Lambert.*

Manbote.

Manbote signifie ū Pecunia-
rie cōpensatiō p^r le oc-
cider d'un hōe. *Lambert.*

Mandamus.

Mandamus is a *Writ* that goes
to the Escheator for the
finding of an Office after
the death of one that died the
Kings Tenant; and it is all
one with the *Writ* of *Diem clau-*
sit extremum, but that the *Diem*
clausit extremum goes out with-
in the year after the death, and
the *Mandamus* goes not out till
after the year, and in case where
there was never any *Diem clau-*
sit extremum sued out, or was not
sued out with effect. *Fitz. N. B.*
253. B. C. See the Stat. 12 Car. 1.
cap. 24.

Also there is another sort of
Mandamus granted upon Motion
in the Kings Bench, one to the
Bishop to admit an Executor to
prove a *Will*, or to grant Ad-
ministratiō. *Stiles Reports, 78.*
Another to command Corpora-
tions to restore Aldermen, and
others, to Offices out of which
they are unjustly put out. Look
11 Report, James Bag's Case.

Mandamus.

Mandamus est un B^{re} q;
issuist al Escheator p^r le
trouver dun Office apres
le mort dun q; morult Tenāt
le Roy; & est tant ū ove le B^{re}
de *Diem clausit extremum*, sinon
que le B^{re} de *Diem clausit ex-*
treum issuist deins l' an apres
le mort, & le *Mandamus* ne
issuist tanque apres le an, & en
case lou ne suit aucun *Diem*
clausit extremum sue hors,
ou al meins nient sue cum
effectu. *Fitz. N. B. fol 253. B.*
C. Veies le Stat. 12 Car. 2.
cap. 24.

Sont auxi autre sort de
Mandamus, grant sur motion
en B. le Roy, al Evesque
d'admit Executor a prover
un Testament, ou a granter
Administratiō. *Stiles Rep. 78.*
Et ū autre a maunder al Cor-
poratiōs a restituer Aldermen,
& auters al Officers hors de
qu'x ils sont illoyalment expel.
Veies 11 Rep. James Bag's Case.

Mannor.

Mannor est compound de divers choses, come de un Meason, Terre arable, Pasture, Pree, Boys, Rents, Advowson, Court-Baron, & tiels semblables, queux sont ü Mannor. Et ceo doit estre p ancient continuance de temps, cujus contrarium memoria hominum non existat: car a ceo jour un Mannor ne poit estre fait, p ceo q un Court-Baron ne poit estre fait ore, & ü Mannor ne poit estre sans ü Court-Baron, & Suiters ou Frank-tenants, deux al meins; car si tous les Frank-tenants forsque un escheate al Seignior, ou si purchase tous preter un, la son Mannor est ale, pur ceo que il ne poit estre ü Mannor sans un Court-Baron, (come avantdit); & un Court-Baron ne poit estre tenuz mes devant Suiters, & nemy devant un Suiter; & ideo son forsque un Frank-tenement ou Frank-tenar est, la ne poit estre Mannor proprement, comier en comun parlant ceo poit estre issint appel.

Mansion.

Mansion (*Mansio*) est plus usualment prise pur le chief Mesuage ou Habitation del Senior dun Mannor, le Mease del Mannor en que il plusloft reside, Capital Mes-

Mannor.

Mannor is compounded of divers things; as of a House, Trable Land, Pasture, Meadow, Wood, Rent, Advowson, Court-Baron, and such like, which make a Mannor. And this ought to be by long continuance of time, the contrary whereof mans memory cannot discern: for at this day a Mannor cannot be made, because a Court-Baron cannot now be made, and a Mannor cannot be without a Court-Baron, and Suiters and Freeholders, two at the least; for if all the Free-holds except one escheat to the Lord, or if he purchase all except one, there his Mannor is gone, for that it cannot be a Mannor without a Court-Baron, (as is aforesaid); and a Court-Baron cannot be holden but before Suiters, and not before one Suiter: and therefore whete be one Free-hold or Freeholder is, there cannot be a Mannor properly, although in common speech it may be so called.

Mansion.

Mansion (*Mansio*) is most commonly taken for the chief Mesuage or Habitation of the Lord of a Mannor, the Mannor-house where he doth most reside, his Capital Mesuage.

suage, as it is called ; of which the Wife by the Statute of Mag. Chart cap. 7. shall have her Quarentine.

suagium, come est appel ; de que le feme per le Statute de Mag. Chart. cap. 7. avera sa Quarentine.

Munucaptio.

Munucaptio is a Writ that lies for him who is arrested or indicted of Felony, and offers sufficient Sureties for his Appearance ; but the Sheriff, or he whom it concerns, will not suffer him to be bailed : then he shall have his Writ, to command them to suffer him to be bailed. See of this Fitz. N. B. fol. 249. G.

Manucaptio.

Manucaptio est un Brief que gist pur cestuy que est arrest ou lodite d' Felonie, & offer sufficient Sureties pur son Appearance ; mes le Viscount, ou cestuy que concerne, ne voit luy admit destre baile : donque il avera cest Brief, eux mandant de luy lesser a Manprife. Veies de ceo Fitz. N. B. fol. 249. G.

Manumission.

Manumission is the making a Bond-man free, and may be in two sorts ; the one is a Manumission expressed, the other a Manumission implied.

Manumission expressed is, where the Lord makes a Deed to his Villain to Infranchise him by this word (Manumittere) which is as much to say, as to let one go out of another mans hands or power.

The manner of Manumitting or Infranchising in old time, most usually was thus : The Lord (in presence of his Neighbors) took the Bond-man by the Head, saying, I will that this Man be free ; and therewith shobed him forward out of his hand, and by this he was free.

Manumission.

Manumission est le fefans dun Villein destre franke, & puit estre en deux sorts ; le un est un Manumission explicita, l'autre un Manumission implicata.

Manumission Explicita est quant le Sür fait un Fait al son Villein pur luy enfranchiser per cest parol (Manumittere,) quod idem est quod extra manum vel extra pot. statem aliterius ponere.

Le manner de Manumitting ou Enfranchising en tēps passe plus usualment fuit issint : Le Sür (en presence de ses vicines) prist le Villeine per le Test, disant, Jeo voile que cest home soit franke ; & ove ceo il luy mise avant hors de ses maines, & per c'il fuit franke.

Ma-

Manumission implicita sans cest parol: (*manumittere*) est, quant le Sür fait un Obligation a son Villein a payer a luy money al un certaine jour, ou luy sue lou il poit enter sans Suit, ou grant luy un Annuitie, ou leſſa Terre a luy per Fait pur ans, ou vie, & en divers semblables caſes; le *Villein* per ceo est fait franke.

Marchers.

MArchers ſont les Noble-homes inhabitants ſur les Marches d' *Gales* & *Eſcoſe*, q̄ ē rēps devāt avoiēt lour private Leys, ſicome fuiſſent Roys; & pur ceo en Statutes d' 2 H. 4. c. 28. 26 H. 8. c. 6. 27 H. 8. c. 26. & 1 E. 6. c. 10. ils ſōt appels *Seigniors Marchers*.

Marches.

MArchés ſont les Limits enter nous & *Gales* ou *Eſcoſe*, iſſint appels ou del parol *Germanois* (*March*) que ſignifie *Limitem*, ou del parol *Francois* (*Marq.*) cest aſcavoir, un Signe del diſtinction, ceux eſcians le notorius Diſtinction de deux divers Regions. De ceux poies lier en les Statutes de 4 Hen. 5. cap. 7. 22 E. 4. cap. 8. 24 H. 8. cap. 9. & autres.

Manumission implied without this word (*Manumittere*) is, when the Lord makes an Obligation to his Villain to pay him money at a certain day, or ſues him where he might enter without Suit, or grants him an Annuity, or Leases Lands to him by Deed for years, or life, and in divers like caſes the Villain thereby is made free.

Marchers.

MArchers are the Noble-men dwelling on the Marches of Wales or Scotland, who in times paſt had their private laws, as if they had been Kings; and therefore in the Statutes of 2 H. 4. c. 28. 26 H. 8. cap. 6. 27 H. 8. cap. 26. and 1 E. 6. cap. 10. they are called Lord Marchers.

Marches.

MArchés are the bounds and Limits berwyx us and Wales or Scotland, ſo called either from the German word (*March*) which ſignifies a Frontire or Border; or elſe from the French word (*Marq.*) that is, a Sign or Token of Diſtinction, theſe being the notorius Diſtinctions of two divers Countries. Of theſe you ſhall read in the Statutes of 4 H. 5. cap. 7. 22 E. 4. cap. 8. 24 H. 8. cap. 9. and others.

Marshall.

Marshall.

Marshall is a general word for many Officers in England: as the Lord or Earl Marshall, of whom mention is made in the Statutes of 13 R. 2. cap. 2. and 1 H. 4. c. 7. & 14. the Marshall of the Kings House, of whom you may read F. N. B. f. 241. B. and in the Statute of Artic. sup. Charr. c. 3. 18 E. 3. c. 7. 2 H. 4. c. 23. 15 H. 6. c. 1. and others. There are also other inferior Marshalls mentioned in our Books: as the Marshall of the Kings Bench in the Statute of 5 E. 3. c. 8. and F. N. B. f. 251. I. who hath the custody of all the Prisoners of that Court; and the Marshall of the Exchequer, mentioned in the Statute of 51 H. 3. Stat. 5. called the Statute of the Exchequer. Marshall is a French word, and is as much to say as Master of the Horse: for it seems to come of the German (Marschalk) which hath that signification.

Marshalsea.

Marshalsea is the Court or Seat of the Marshall of the Kings House, of which you may read at large in Coke l. 6. f. 20. B. & l. 10. f. 68. B. It is also taken for the Prison belonging to the Court of the Kings Bench, of which the Marshall of that Court is the Keeper: for so are the forms of the

Marshall est un général pol pur mults Officers en Angleterre: cōe l' Sñr ou Count Marshall, de q'l mētiō est fait ē les Statutes d' 13 R. 2. c. 2. & 1 H. 4. c. 7. & 14. le Marshall del Hostel le Roy, de que poies lier en F. N. B. f. 241. B. & en le Stat. de Artic. sup. Charr. c. 3. 18 E. 3. c. 7. 2 H. 4. c. 23. 15 H. 6. c. 1. & auters. Sont auxy auters inferior Marshalls mentions ē nre Livres: come le Marshall de Banke le Roy, en le Statute 5 E. 3. c. 8. & en F. N. B. f. 251. I. que avoit le custodie ds tous les prisoners de ceo Court; & le Marshall del Exchequer, mention en le Statute de 51 H. 3. Stat. 5. appel le Statute del Eschequer. Marshall est un parol Francois, & est tant a dire come Magister equitum: car semble que venust del parol Germanois (Marschalk) que ad ceo signification.

Marshalsea.

Marshalsea est le Court ou seat del Marshall del Hostel le Roy, de que poies lier a large en Coke, l. 6. f. 20. B. & l. 10. f. 68. B. Est auxy prise pur le Prison pertinent al Court del Bank le Roy, de que le Marshall de ceo Court est le Gardian; car liint sont les formes des Bills

Bills la, que A queritur de
B in custodia Marescalli
Marescalcie Domini Regis,
&c.

Bills there, that A complains
of B in the custody of the Mar-
shal of the Marshallea of our
Lord the King, &c.

Maugre.

Maugre.

MAugre est un parol com-
pound des deux parols
Francois (Mal) & (Grec:)
issint q̄ est tant adire cōc invi-
to animo, ou en despiight d'ū
auter. Et issint est use en Lit-
leton, f. 672. lou est dit, q̄
le Baron & Feme serront re-
mies maugre le Baron, cestà-
voire, en despiight ou enconter
le volunt le Baron.

MAugre is a word compound
of two French words (Mal)
and (Grec:) so that it is as much
as to say, with an unwilling
mind, or in despiight of another.
And so it is used in Littleton,
f. 672. where it is said, that
the Husband and Wife shall be
remitted maugre the Husband,
that is, in despiight or against
the will of the Husband.

Maximes.

Maximes.

Maximes sont les Founda-
tions del Ley, & les
Conclusions d Reason, & sont
Causes efficient, & certaine
universal Propositions cy sure
& pfect, q̄ lis ne polent estf a
ascun temps impeachti ou im-
pugne, mes dolent tous foits
estf observe, & tenus cōc fort
Principles & Authorities de
luy mesmes, nient obstant ils
ne polent estf pve p force d'
Argument ou Demonstration
Logical, mes sont cōnus p In-
duction p le voy de Sense &
Memorie. Pur exemple, il est
un Max. q̄ Si un hom. ad issue
deux Fils: per divers venters, &
l'un purchase Terres en fee, &
morst sans issue, l'auter ne un-
queserra son Heir, &c.

Maximes are the Founda-
tions of the Law, and the
Conclusions of Reason, and are
Causes efficient, and certain
universal Propositions so sure
and perfect, that they may not
be at any time impeached or
Impugned, but ought always
to be observed, and holden as
strong Principles and Autho-
rities of themselves, although
they cannot be proved by force of
Argument or Demonstrations
Logical, but are known by In-
duction by the way of Sense and
Memory. For example, it is a
Maxime, that If a man have Issue
two Sons by divers women, and the
one purchases Lands in Fee, and
dies without issue, the other shall
never be his Heir, &c.

Item il est un aut Maxime,

And it is another Maxime,
that

that Lands shall descend from the Father to the Son, but not from the Son to the Father, for that is an Ascension, &c. And Divers such there are, whereof see Doctor and Student.

que *Terris descendere del Pere al Fils, mes nemy del Fils al Pere*, car ceo est un Ascension, &c. Et divers tiels semblables il y ad, dont veies le Doctor & Student.

Maynour.

Maynour.

Maynour is, when a Thief hath stolen, and is followed with Hue and Cry, and taken, having that found about him which he stole, that is called Maynour. And so we commonly use to say, when we find one doing of an unlawful act, that we took him with the maynour or manner.

Maynour est, quant un Laron ad emblee, est pñue ove Hue & Crie, & prise, ayant ceo trove ovesq; luy que il ad emblee, ceo est appelle Maynour. Et issint nous communement use p dire, quant nous trovoms un fesant d'un illoyal act, que nous luy prist ovesq; le Maynour ou manner.

Meane.

Meane.

Mean. See Mesne.

Mean. See Mesne.

Mease.

Mease.

Mease or Messuage seems to come from the French word *Maison* or *Mansion*, which is no other but a Place of abiding or habitation. And yet Messuage in our Law contains more then the very place of habitation: for a House and a Messuage differ, in that a House cannot be intended other then the matter of Building; but a Messuage shall be said all the Mansion-place, and the Curtilage shall be taken as parcel of the Messuage, 20 H. 7. Keloway, fol. 57. a. And by the name of a Messuage the Garden and

Mease (*Messuagium*) semble de venir del parol *Francois Maison* ou *Mansion*, q nest aut' forsque u Lien de abider ou habitation. Et une *Messuage* en nre Ley comprehend plus q le verie Lieu del habitation: car *Domus* & *Messuagium* differ en ceo que *Domus* ne poit estre intend aut' q; les choses en Building; mes *Messuagium* terra dit tout le Mansion-lieu, & le Curtilage terra prise come parcel d'un Messuage, 20 H. 7. Keloway, f. 57. a. Et p le nomme d'un *Messuage* le Garden & le

le Curtelage passera, *Plowden*,
f. 171. a.

Curtelage shall pass, *Plowden*,
fol. 171. a.

Measondue.

M easondue est un appella-
tion done as divers Ho-
spitals en cest Reälme,
que issint sör appel, *An. 2 & 3*
P. & M. c. 23. & 15 Car. 2. c. 7.
Et venust d' *Francois* (*Maison*
de Dieu) & nest plus que *Dom.*
Dei ou *Gods* house d' *Anglois.*

Measondue.

M easondue is an Appellation
of divers Hospitals in this
Kingdom, which are so named,
Anno 2 & 3 P. & M. cap. 23. &
15 Car. 2. c. 7. And it comes of
the French (*Maison de Dieu*) and
is no more but Gods House in
English,

Medietas Lingue.

M edietas lingue est un In-
quest impannel sur ascun
cause, de que l'un moietie est
des Denizens, l'auter Ali-
ens; & est use en Plees enter
parties, dont l'un est un De-
nizen, & auter un Alien.
Et cest manner de Trial fuit
primes done per le Stat. de
27 E. 3. Stat. 2. cap. 8. Et
per le Statute de *28 E. 3. cap.*
13. fuit graunt encases lon le
Roy meisme fuit partie ove un
Alien.

Medietas Lingue.

M edietas Lingue is an Inquest
Impannelled upon any
cause, whereof the one half is of
Denizens, the other Strangers;
and it is used in Pleas between
parties, whereof one is a De-
nizen and the other a Stran-
ger. And this manner of Cri-
al was first given by the Sta-
tute of *27 E. 3. Stat. 2. cap. 8.*
And by the Statute of *28 E. 3.*
c. 13. it was granted in cases
where the King himself was
party with an Alien.

Melius inquirendo.

M elius inquirendo est un Bre-
ve que est direct al Eschea-
tor par un second Inquisition
destre fait, quant est asc' su-
spicion del partialite en un
Inquisition fait sur un *Diem*
clause extremum aps le mort
le Tenant le Roy. Velet *F.N.*
B. fol. 255. c.

Melius inquirendo.

M ellus inquirendo is a Writ
directed to the Escheator for
a second Inquiry to be made,
when there is any doubt made
of partiality in an Inquiry
made upon a *Diem* *clause* *extre-*
mum after the death of the
Kings Tenant. See *F. N. B.*
f. 255. c.

Mer-

Merchenlage.

Merchenlage is one of those three Lawes out of which William the Conqueror framed our Common Lawes with a mixture of the Lawes of Normandy. And it was the Law of the Mercians, when they had the Government of the third part of this Realm.

Mesnalty.

Mesnalty is the right of the *Mesne*, as the Mesnalty is extinct. Old Nat. Br. f. 44.

Mesne.

Mesne is, where the Owner of Lands or Tenements holds of one by certain Services, and he holds them of another by like or other Services; then he who holds the Lands is called Tenant paravail, and he of whom it is held is called Mesne, and he of whom the Mesne holds is called chief Lord, or Lord Paramount. And in this case, if the Lord above distrains the Tenant for the Services of the Mesne, who ought to acquit him to the chief Lord, then the Tenant shall have a Writ of Mesne, so called, against the Mesne; and if he acquit not the Tenant, then the Mesne shall lose the Service of the Tenant, and shall be forejudged of his Seigniorie, and the Tenant shall be

Merchenlage.

Merchenlage est un de ceux trois Leys hors des queux *Gulielme* le Conqueror frame nostre Common Ley, ove le mixture des Leys de *Normandie*. Et fuit le Ley des *Mercians*, quant ils avoient le regiment del tierce part de cest Realme.

Mesnaltie.

Mesnaltie est le droit de *Mesne*; cōe le *Mesnaltie* est extinct. *Vide* N. B. f. 44.

Mesne.

Mesne est, lou l'Owner del Terres ou Tenements ceux telgne d'un per certaine Services, & il ceux tenoit d'un autre p' autiels ou autre Services; la cestuy q' tient les Ties est appel *Tenant paravail*, & cestuy de que il telgne est appel *Mesne*, & cestuy de que le Mesne tenoit est appel *Seignior Paramount*. Et e cest case, si le Seignior Paramount distraigne le Tenant pur le Service le *Mesne*, que luy doit acquite al Seignior Paramount, donques le Tenant, avera un *Brie vers le Mesne*, q' est appel *Brief de Mesne*; & si il ne acquit le Tenant donques le *Mesne* pdra le service le Tenant, & serra forejudge d son Seigniorie, & le Tenant serra Tenant

Tenant immediate al chiefe
Seignior, & ferra luy mesmes
les Services & Suits come le
Mesne fist.

immediate Tenant to the chief
Lord, and shall do him the same
Service and Suits as the
Mesne did.

Messuage.

Messuage.

Messuage. Veies Mease.

Messuage. See Mease.

Metropolitane.

Metropolitane.

Metropolitane, signifie les
Archievesques, de queux
Canterburie, est nosme totius
Anglica Primas & Metropol.
Et York semble sans le parol,
Totius.

Metropolitane, signifies the
Arch-bishops, of whom
Centerbury is stiled, Totius An-
glie Primas & Metropol. App
York the like Title, without
the word Totius.

Miscreant.

Miscreant.

Miscreant est, un q est per-
vert al Heresie ou faux
Religion. Bro. Presentati-
on 54.

Miscreant is one who is per-
verted to Heresie, or a
false Religion. Bro. Presen-
tation, 54.

Mise.

Mise.

Mise est un parol Francois;
& signifie tant comè Ex-
pensum en Latine; & ainsi est
frequentement use en les En-
tries des Judgments ou Per-
sonal Actions: quant le Plain-
tiff recover, l'Entree est,
quod Recuperet damna sua a
tel value, & tant pro misis &
costagiis La est auxy un autre
acception ou signification de
cest parol en Ley, lou est
prise pur l'Issue desre trie
per Bataille ou Grand Assise.
Et ainsi est use en Littleton,

Mise is a French word, and
signifies as much as Ex-
pensum in Latine; and it is so
ordinarily used in the Entries of
Judgments in Personal Actions:
When the Plaintiff reco-
vers, the Entry is, that Recu-
peret damna sua to such a value,
and pro misis & costagiis, for
Costs and Charges, so much.
There is also another acception
or signification of this word in
the Law, where it is taken for
the Issue to be tried by Warrant
of Grand Assise. And so it is
used

used in Littleton, sect. 478. 482. and divers others, where joyn-
ing of the Mife upon the meer
right is putting it in Issue, who
hath the best or clearest right.

sect. 478, 482. & divers au-
ters, lou joinder del Mife sur le
mere droit est mitter ceo en
issue, que avolt le melieur ou
plus cleere droit.

Misericordia.

Misericordia is used in the
Common Law for an A-
mercement or Mult set upon
any for an offence; as where the
Plaintiff or Defendant in any
Action are amerced, the Entry
is always, Ideo in misericordia,
&c. And it is therefore called
Misericordia, as Fitzh. says, N.
B. fol. 75. H. for that it should
be but small and less then the
fault, and saving his Contem-
nement, as the Statute of Mag.
Charta, cap. 14. speaks. And
therefore if a man be outragi-
ously amerced in a Court not
of Record, as in a Court-Baron,
&c. there is a Mult called
Moderata Misericordia to be di-
rected to the Lord or his Bailly,
commanding them that they
take moderate Amerciements
according to the quantity of the
fault. And of that see Fitzh.
N. B. fol. 75. A. and Moderata
Misericordia after.

Misnomer.

Misnomer is the Mistake of a
Name, or the using of one
Name for another. See Broke,
tit. Misnomer.

Misericordia.

Misericordia est use en le
Common Ley pur un A-
mercement ou Peine mise sur
asc' p' un offence; cōc' lou le
Plaintiff ou Defendant en asc'
Action est amerce, l' Entrée
est tous foits, *Ideo in miseri-*
cordia, &c. Et est p' c'appel
Misericordia, come Fitzh. dic
N. B. fol. 75. H. eo que doit
est' forsq; petite & meins que
le offence, & salvo Contem-
nement, come le Statute de
Mag. Chart. cap. 14. ple. Et
pur ceo si home soit outragi-
ousment amercie en un Court
que est de Record, come en
Court-Baron, &c. la est un
Bfe appel *Moderata Miseri-*
cordia destre direct al S'ar ou
Bailly, eux commandant q; ils
prenderont moderates Amer-
ciements solongue le quantite
del trespas. Et de ceo veies
Fitz. N. B. fol. 75. A. & *Mo-*
derata Misericordia apres.

Misnomer.

Misnomer est le Mistake d'
un Nomm, ou le using de
un Nomm p' un autre. Veies
Broke, tit. *Misnomer*.

Mis-

Misprision.

Misprision est, qnt aucun sciet que un autre ad fait Treason ou Felonie, & il ne voille luy discover al Roy, ou son Councel, ou a asc' Magistrate, mes conceala son offence. Divers autres offences sont appelle *Misprision*: sicom un Chapleyn ad fixe un anclent Seal dun Patent a un novel Patent de Non-residence, ceo sult tenuz deslire *Misprision* de Treason tantum, & nul counterfeit del Seal del Roy. Istint e tenuz en 37 H.8. Bro. tit. Treason 3. in fine: mes 2 H.4. fol. 25. A. est adjudge contra; & Stamf. Pl. cor. fol. 3. B. cite ceo p Treason; & istint est tenuz a cest jour.

Item si un autre sciet Money deslire faux, & port ceo hors de Ireland en Angleterre, & utter ceo en paymt, ceo est forsque *Misprision* de Treason, & nemy Treason: & istint est en divers semblables cases.

En tous cases de *Misprision* de Treason, le partie offendor forseitera ses Biens a tous jours, & les profits de ses Terres pur son vie, & son Corps al prison al pleasure del Roy.

Et pur *Misprision* de Felonie ou Trespasse, l'Offendor serra commit al Prison, tanque il ad rove Sureties ou Pledges p son Fine, que serra

Misprision.

Misprision is, when one knows that another hath committed Treason or Felony, and will not discover him to the King, or his Council, or to any Magistrate, but conceals the same. Divers other offences are called *Misprision*: as when a Chaplain had fixed an old Seal of a Patent to a new Patent of Non-residence, this was held to be *Misprision* of Treason only, and no counterfeiting of the Kings Seal. So it is holden in 37 H. 8. Bro. tit. Treason 3. in Fine: but 2 H. 4. f. 25. A. it is adjudged contrary; and Stamf. Pl. cor. fol. 3. B. cites it Treason; and so it is holden at this day.

And if a man knows Money to be counterfeited, and bring the same from out of Ireland hither, and utter it in payment, yet this is but *Misprision* of Treason, and no Treason: and so it is in divers like cases.

In all cases of *Misprision* of Treason, the Party offendor shall forfeit his Goods for ever, and the profits of his Lands for his life, and his Body to Prison at the Kings pleasure.

And for *Misprision* of Felony or Trespass, the Offendor shall be committed to Prison, until he have found Sureties or Pledges for his Fine, which shall

shall be assessed by the discretion of the Justices before whom he was convicted.

And note, That in every Treason or Felony is included Misprision; and where any man hath committed Treason or Felony, the King may cause him to be indicted and arraigned of Misprision only, if he will. See more hereof, Stamford lib. 1. cap. 39.

Mittimus.

Mittimus is a writ by which Records are transferred from one Court to another: sometimes immediately, as it appears in the Statute of 5 R. 2. cap. 15. as out of the Kings Bench into the Exchequer; and sometimes by a Certiorari into the Chancery, and from thence by a Mittimus into another Court, as you may see in 28 H. 8. Dyer, fol. 29. a, b. & 29 H. 8. Dyer, fol. 32. a, b.

This writ is used also for the Precept that is directed by a Justice of Peace to a Goaler for the receiving and safe keeping of a Felon, or other Offender committed by the said Justice to the Goal.

Moderata Misericordia.

Moderata Misericordia is a writ that lies where a

assise per le discretion de les Justices devant que il soit convict.

Et nota, Que en chescun Treason ou Felonie est incluse Misprision; & lou asc' ad fait Treason ou Felonie, le Roy poit causer luy destre endite & arraigne forsque de Misprision seulement, si il voille. Vide plus de ceo Stamford lib. 1. cap. 39.

Mittimus.

Mittimus est un Brief per lequel Records sont transférés d'un Court al autre: ascun foits immédiatement, come appiert en le Stat. 5 R. 2. cap. 15. come hors del Bank le Roy en l' Exchequer; & asc' foits per un Certiorari en le Chancery, & dillonques per un Mittimus en autre Court, come poles veier en 28 H. 8. Dyer, fol. 29. a, b. & 29 H. 8. Dyer, fol. 32. a, b.

Cest parol est auxy use per le Precept que est direct per un Justice del Peace al Gaoler, p' le receiver & safeement garder dun Felon, ou autre Offendor, commit per le dit Justice al Gaole.

Moderata Misericordia.

Moderata Misericordia est un Brief que gist lou
K k home

come est amercie en Court-
Baron ou Countie plus que
devoit estre; donques il avera
cest Brief direct al Viscount,
si soit en le Countie, ou al
Bailliff, si soit en Court-Baron,
eux commandant que ils
ne lay amercient mes eyent
regard al quantite del Tres-
passe: s'ils ne obey cel Bre,
donques issira vers eux un
Sicut alias, & causam nobis
significes, & apres ceo un At-
tachment.

man is amerced in Court-Baron or County more then he ought to be; then he shall have this writ directed to the Sherif, if it be in the County, or to the Bailliff, if it be in Court-Baron, commanding them that they amerce him not but with regard to the quantity of the Trespass: and if they obey not this writ, then shall go forth against them a *Sicut alias*, and *Causam nobis significes*, and after that an Attachment.

Modus decimandi.

Modus decimandi est, deny-
era ou autre chose de
value donec annuellement en
lieu de dimesnes. Le royal de
quel appartient al common
Ley, & nemy al aucun Court
Christien. *Ridley's view of the*
Cross Law, 141. En quel il dit
que en le temps de William le
premier Roy fait un *modus de-*
cimandi per totum regnum pro
omnibus rebus.

Modus decimandi.

Modus decimandi is, deny-
ing other thing of value given
annually in lieu of Tithes.
The royal of which apper-
tains to the Common Law,
and not to any Court Chris-
tian. *Ridley's view of the*
Cross Law, 141. In which he
says, There was one
modus decimandi per totum
regnum per totum reg-
num.

Monstrans de Droit.

Monstrans de Droit est un
Sue en le Chancery p
le Subject desir restore as
Tres & Tenements queux il
monstre desir son Droit, mes
font p Office troves desir en
le possession d'un si darrein-
ment mortu, p quel Office
le Roy est entitle al un Chat-
tel, Frank-tenement, ou Inhe-
ritance en les dits Terres. Et

Monstrans de Droit.

Monstrans de Droit is a Sue
in Chancery by the
Subject to be restored to Lands
and Tenements which he
shews to be his Right; but are
by Office found to be in the
possession of another that is
lately dead, by which Office
the King is intitled to a Chat-
tel, Freehold, or Inheritance
in the said Lands. And this
Mon-

Monstrans de Droit is given by the Statutes of 34 E. 3. cap. 14. and 37 E. 3. cap. 13. See Coke, lib. 4. fol. 54. B. in the Case of the Wardens and Commonalty of Sadlers. *Yain good*

cest Monstrance de Droit est don p les Statutes d 34 E. 3. cap. 14. & 36 E. 3. cap. 13. Veles Coke, lib. 4. fol. 54. B. en le Case del Wardens & Communalte des Sadlers.

Shewing of Deeds or Records.

Monstrans de Faits ou Records.

Shewing of Deeds or Records is thus: In Action of Debt is brought against A upon an Obligation by B, or by Executors, &c. After the Plaintiff hath declared, he ought to shew his Obligation, and the Executors the Testament, to the Court. And so it is of Records.

Monstrans de Faits ou Records est sicome, pur exemple, un Action d Det soit port envers A sur un Obligation p B, ou p Executors, &c. Apres le Plaignant ad declare, il doit monstrer son Obligation, & le Executor le Testament, al Court. Et ainsi est de Records.

And the difference between Shewing of Deeds or Records, and Hearing of Deeds or Records, is this: He that pleads the Deed or Record, declares upon it, ought to shew the same; and the other against whom such Deed or Record is pleaded, or declared, and is thereby to be charged, may demand hearing of the same Deed or Record, which his Adversary brings or pleads against him.

Et le demandeur perentier monstrance de Faits ou Records, & Oyer de Faits ou Records, est ainsi: Il que pleads le Fait ou Record; ou declare sur ceo, doit monstrer ceo, & l'autre vers q, quel Fait ou Record est pleade ou declare, & est p-r ceo desire charge, soit demand Oyer de ceo Fait ou Record, que son adversaire port ou plead vers luy.

Monstraverunt.

Monstraverunt.

Monstraverunt is a Writ that lies for the Tenants in Ancient Demesne, and is directed to the Lord, him commanding not to Distrain his Tenant to do other Service then he ought: and they

Monstraverunt est un Brief que gist pur l' Tenants en Ancien demesne, & est direct al Seigneur, luy commandant que il ne distraine son Tenant p fair auter Service que il doit: & ils poient

¶ ver cest Brief direct al Vic',
que il ne suffer le Seignour a
distraire les dires Tenant pur
faire autre Service.

Si les Tenants ne poient
estre en quiet, ils poient aver
un *Attachement* vers le Sür, de
apparer devant les Justices;
& touts les nommes des Tenants
ferront mise en le Brief, co-
ment que forsque un de eux
soit greive.

Auxy si *any* Terre en
Ancient demesne soit en va-
riance entre les Tenants, don-
ques le Tenant l'issue greive
avera vers autre Brief quod
vocatur *Droit Close*, *secundum*
Consuetudinem Maneris; & cep-
ferra tous loies port en le
Court le Seignour, & sur
ceo il courra en le nature
de quel Brief il vult, come
son case gist: & cest Brief ne
ferra remoye si non par grand
cause, ou non-powre de le
Court.

Auxy si le Sür en autre quel
hors de ancient Demesne dis-
traîne son Tenante de faire
autre Service que il doit, il
avera Brief de Droit, appelle
Ne Injuste vexat; & cest un
Brief de Droit Patent, que
ferra trie per Battel ou Grand
Assise.

may have this Writ directed to
the Sheriff, that he suffer not
the Lord to distrain the said Te-
nant to do other Service.

If the Tenants cannot be
in quiet, they may have an
Attachment against the Lord,
to appear before the Justices;
and all the names of the Te-
nants shall be put in the Writ
though but one of them be grie-
ved.

Also if any Land in anti-
ent Demesne be in variance be-
tween the Tenants, then the
Tenant so grieved shall have
against the other a Writ which
is called of Right Close, after the
Custom of the Maner; and
that shall be always brought in
the Lords Court, and there-
upon he shall declare in the na-
ture of what Writ he will, as
his case lies: and this Writ
shall not be removed, but for a
great cause, or non-powder of the
Court.

Also if the Lord in another
place out of ancient Demesne
distrain his Tenant to do o-
ther Service than he ought, he
shall have a Writ of Right, cal-
led *Ne Injuste vexat*; and it is
a Writ of Right Patent, which
shall be tried by Battel or Grand
Assise.

Mortdancer.

Mortdancer. *See before in*
the Title *Cousage*.

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Mortgage, or Morgage.

Mortgage, or Morgage is, when a Man makes a Feoffment to another on such condition, that if the Feoffor pay the Feoffee at a certain day 40 li. of money, then the Feoffor may re-enter, &c. In this case the Feoffee is called Tenant in Mortgage. And as a Man may make a Feoffment in Fee in Mortgage, so he may make a Gift in Tail, or a Lease for Life or Years in Mortgage. And it seems the cause why it is called Mortgage is, for that it stands it doubt whether the Feoffor will pay the money at the day appointed or not; and if he fail, then the Land which he laid in gage upon condition of payment of the money is gone from him for ever, and so dead to him upon condition: but if he pay the money, then is the gage dead as to the Tenant, that is, the Feoffee. And for this cause it is called in Latine, *Mortuum vadium*, as Littleton saith; or rather *Mortuum vas*, as I think.

Also if a Feoffment be made in Mortgage upon condition, that if the Feoffor pay such a sum at such a day, &c. and the Feoffor dies before the day, yet if the Heir of the Feoffor pay the sum at the same day to the Feoffee, and the Feoffee refuses it, the Heir of the Feoffor may enter. But in such case

Mortgage, ou Morgage.

Mortgage, ou Morgage est, quant un fait un Feoffment a un autre sur tiel condition, que si le Feoffor paye al Feoffee a certain jour 40 li. d'argent, que adonc, le Feoffor poit re-enter, &c. En ceo case le Feoffee est appel Tenant en Mortgage. Et sicome un home poit faire Feoffment en Fee en Mortgage, issint il poit faire Don en taile, ou Lease p vlc ou p ans en Mortgage. Et il semble que la cause p que il est appel Mortgage est, pur ceo que il esloit en auiust si le Feoffor velle payer al jour limit l'argent ou non; & si il ne paye pas, donq, le Terre que il mist en gage sur condition d'payme d le money est ale de luy a toute jours; & issint mort a luy sur condition: mes si il paye le money, donques est le gage mort qut a le Tenant, cestascavoit, le Feoffee. Et p cest cause il est appel en Latine *Mortuum vadium*, come Littleton dit; ou *Mortuum vas*, come jeo pense.

Auxy si Feoffment soit fait e Mortgage sur condition, que si le Feoffor paye tiel somme a tiel jour, &c. & le Feoffor morust devant le jour, unco si le Heire le Feoffor paye le somme a mesme le jour al Feoffee, & le Feoffee ceo refuse, le Heire le Feoffee poit enter. Mes en tiel case, si ne

soit aucun jour de payment expresse, donques tel Tender del Heire est volde, pur ceo que quant le Feoffor morust, le temps del Tender est passe; autrement les Heires le Feoffor averont temps del Tend a tous jours, que serra inconvenient, q un avera un Fee-simple a luy & ses Heirs defeasible tous soits a le pleasure & volunt de auters. Mes en le primer case l'etps del Tender ne suit expire per la mort le Feoffor.

Mortmaine.

Mortmaine: Iou Terres sont dones a Meason d Religion ou a un auter Companie q sont corporate p le Grant le Roy, cest Tfe est devenus *Mortmaine*, cest adire en Anglois, a dead hand; & donq; le Roy ou le Sñr de que le Tfe est tenuz poit entre, come appiert per le Statute de Religiosis. Auxy cy un fait Feoffment sur confidence a certain persons al oeps de un meason de Religion, ou al oeps de aucun Guild ou Fraternity corporate, il serra dit *Mortmain*, & il encourage mesm le pain, ut patet per l' Statute, Anno 15 R. 2.

Mortuary.

Mortuary (*Mortuarium*) est ceo Aver ou auter Chancel moveable, que, apres le

if there be no day of payment expresse, then such Tender of the Heir is void, because when the Feoffor dies, the time of Tender is past; otherwise the Heirs of the Feoffor shall have time of Tender for ever, which would be inconvenient, that one shall have a Fee-simple to him and his Heirs defeasible always at the pleasure and will of others. But in the first case the time of Tender was not expired by the death of the Feoffor.

Mortmain.

Mortmain: where Lands are given to a House of Religion, or to other Company Incorporated by the Kings Grant, the Land is come into *Mortmain*, that is in English; a dead hand; and then the King or the Lord of whom the Land is holden may enter, as appears by the Statute de Religiosis. And if one make a Feoffment upon trust to certain persons to the use of a House of Religion, or to the use of any Guild or Fraternity Corporate, it shall be said *Mortmain*, and he shall incur the same penalty, as appears by the Statute, Anno 15 R. 2.

Mortuary.

Mortuary is that Debt or other Chancel moveable, which, after the death of the owner

owner, by the Custom of some places, became due to the Parson, Vicar, or Priest of the Parish, in lieu of satisfaction of Tithes or Offerings forgot, or not well and truly paid by him that is dead. See now the Statute of 21 H. 8. cap. 6. which limits the course and order of the payment of these Mortuaries, or of money for them.

mort del owner, per le Custome des aucuns lieus, accrue al Parson, Vicar, ou Priest del Paroche, en lieu ou satisfactiō des Dimes ou Oblations oublies ou nient duement payes y cestuy que est mort. Veies ore l' Statute de 21 H. 8. cap. 6. que limit le cours & order del payment de ceux Mortuaries, ou de deniers pur eux.

Mulier.

Mulier.

Mulier is a word used in our Law, but how aptly I cannot say: for, according to the proper signification, Mulier is a defiled Woman, as it is used in Ulpianus thus; *Si ego me Virginem emere patarem, cum esset Mulier, emptio non valebat.* Others by you may see, Mulier is a Woman that hath had the company of a Man. But to leade the right signification, Mulier is taken in our Law for one that is lawfully begotten and born; and is always contra-distinguished with Bastard, only to shew a difference between them; as thus: A Man hath a Son of a Woman before Marriage; that is, a Bastard, and Unlawful: and after he marries the Mother of the Bastard, and they have another Son; this second Son is called Mulier, that is to say, Lawful, and shall be Heir to his Father; but the other cannot be Heir to any

Mulier est un pol use en nostre Ley, mes cōe aptme jeo nepoy dier: car, accordāc al pper signifiatiō, *Mulier est Famina corrupta*, sicome il est use y *Ulpianus* en tiel man; *Si ego me Virgini emere patarem, cum esset Mulier, emptio non valebat.* Per c' poyes veir, que *Mulier* est un Feme q; ad ew le cōpānle d' ū hōe. Mes a relinquiher l' droit significant, *Mulier* est prise en nostre Ley pur ū que est loyamment engēder & nee; & est tous foits contra-distinguishēd ovesq; ū Bastard, solemt p monstre un differēce pent' eux; cōe p example: Un hōe ad un Fitz y un Feme devant Marriage; cest issue est un Bastard, & illoyal: & aps il marrie ove le Mere del Bastard, & ont un aut' Fitz; cest second Fitz est appelle *Mulier*, cest adire, loyal, & serra Heire a son pere; mes le auter ne poit estre Heire al aucun home, pur ceo que

il n'est connu ne certain en le judgement, del Ley que fuit son Pere, & pur ceste cause est dit deslire *nullius filius*, ou *filius populi*, & issint sans Pere, accordant al celiuy veill verbes;

Cui Pater est Populus, Pater est sibi nullus & omnis:

Cui Pater est Populus, non habet ipse Patrem.

Et tous foits vous troves cest addition al eux [Bastard eigne, & Mulier pulse] quant ils sont compare ensemble.

man, because it is not known nor certain in the Judgment of the Law who was his Father, and for that cause is said to be, No mans son, or the son of the people, and so without Father, according to these old verses;

To whom the People Father is, to him is Father none and all:

To whom the People Father is, well fatherless we may him call.

And always you shall find this addition to them, [Bastard eldest, and Mulier youngest] when they are compared together.

Muniments.

Muniments (*Munimenta*) sont Evidences ou Escriptes touchants le Possession ou Inheritance d'aucun home, par queux il est able pur defendre l'Estate que il ad. Et ils sont issint appels del *Latin* parol *Munio*, que signifie pur defendre ou fortifier. Et 35 H. 6. f. 37. b. *Wangford* dit, q; cest parol *Muniment* include tous manners des Evidences, viz. Charters, Releases, & auters.

Murage.

Murage (*Muragium*) est un Tolle ou Tribute levie pur l'Repairer ou edifier des publique Mures. Veles *Fitzh. N.B. fol 227.D. & l' Stat. 3 E.1. cap. 30.*

Muniments.

Muniments are Evidences or Writings concerning a Mans Possession or Inheritance, whereby he is able to defend the Estate which he hath. And they are so called from the *Latin* word *Munio*, which signifies to defend or fortifie. And 35 H. 6. fol. 37. b. *Wangford* says, That this word *Muniment* includes all manner of Evidences, viz. Charters, Releases, and others.

Murage.

Murage is a Toll or Tribute, levied for the repairing or Building of Publick Walls. See *Fitz. Nat. Brev. fol. 227.D. and the Statute of 3 E.1. cap. 30.*

Murder.

Murder.

MURDER is a wilful Kill-
ing a Man upon Malice
forethought, and seems to come
of the Saxon word Mordren,
which so signifies. And Mor-
drinus is the Murderer even un-
til this day among them in
Saxony, from whence we have
most of our words, as hath been
often said. Or it may be de-
scribed of Mort and dire, as Mort
dura. See Stanf. Pleas of the
Crown, lib. 1.

Murder.

MURDER est un volontarie
Occider d'un home sur
malice prepenſe, & ſemble de
venir de le Saxon parol Mor-
dren, que liſſint ſignifie. Et Mor-
drinus eſt le Murderer tanq; al
ceſt jour ent' eux in Saxony, d
q; nous avomus mults d'noſſr
parolx, come ad eſtre ſovent
dit. Ou poſt eſtre derive de
Mort & dire, quaſi Mort dura.
Veies Stanf. Plees del Coron.
lib. 1.

Muſter.

MUSTER comes of the French
word Monſtrer, that is, to
ſhew; for to Muſter, is nothing
but to ſhew men and their Arms
and to Inrol them in a Book,
as appears by the Statute of
18 H. 6. cap. 39.

Muſter.

MUSTER veniſt del parol Fran-
cois Monſtrer, id eſt, Mon-
ſtrare; car de muſter neſt riens
forſque de monſtre homes &
leur Armes, & d'eux inroller
en un Livre, come appiert p
l'Stat. de 18 H. 6. cap. 19.

N.

Naam.

NAAM is the Attaching
or Taking of the
moveable Goods of
another man: and is
either lawful, or unlawful.
Lawful Naam is a reason-
able Diſtreſs according to the
value of the thing for which

N.

Naam.

NAAM eſt le Purſuer
on Apprehenſion
des biens movea-
bles de un auter
home: & il eſt ou loyal,
ou illoyal. Naam loyal eſt un
reasonable Diſtreſſe accor-
dant al value del choſe pur
que

que Distresse est fait. Veles
puis de ceo en *Hornes Mirrour*
de Justices, lib. 2.

the Distress is made. See more
of this in *Horn's Mirror of Ju-*
stices, lib. 2.

Nativo habendo.

N*ativo habendo* est un Brief
que gist lou le Villeine ou
Nief de un Seignieur est ale
à luy; donques le Seignieur
avera cest Brief direct al Vic',
que il face le Sâr aver son
Villein ou Niese, ovesq; rours
ses chateux.

En cest Brief plurs Vil-
leins ou Nieses ne purront
estîr demandes que deux; mes
cy tant des Villeins ou Nieses
q; voient joynct pîet porter
Bfe *de Libertate probanda*.

Et si un Nief port Brief *de*
Libertate probanda avant que
le Seignieur port cest Brief,
donques le Villein Plainif ou
Niese serra en peace jefque al
venue des Justices, ou autrement
son Brief ne luy aidera.

Auxy si un Villein ad de-
mur en Antient demesne per
un an & jour sans clame del
Seignieur, donques il ne poit
luy selsier deins le dit Fran-
chise.

Naturalization.

N*aturalization.* Veies *De-*
nizen.

Nativo habendo.

N*ativo habendo* is a Writ that
lies where the Willain or
Pief of the Lord is gone from
him; then the Lord shall have
this Writ directed to the Sher-
riff, to cause the Lord to have
his Willain or Pief, with all
his goods.

In this Writ more Willains
or Piefs may not be demanded
then two; but as many Wil-
lains or Piefs as will may
jointly bring a Writ *de Libertate*
probanda.

And if a Willain or Pief
bring his Writ *de Libertate pro-*
banda before the Lord bring this
Writ, then the Willain Plain-
tif shall be in peace till the com-
ing of the Justices, or else his
Writ shall not help him.

Also if a Willain have tar-
ried in ancient Demesne one
year and a day without claim
of the Lord, then he cannot
seise him in the said Fran-
chise.

Naturalization.

N*aturalization.* See *Deni-*
zen.

Ne admittas.

NE admittas is a Writ directed to the Bishop at the Suit of one who is Patron of any Church, and he doubts that the Bishop will collate one his Clerk, or admit another Clerk presented by another man to the same Benefice: then he that doubts it shall have this Writ, to forbid the Bishop to collate or admit any to that Church.

Negative Pregnant.

Negative Pregnant is, when an Action, Information, or such like, is brought against one, and the Defendant pleads in Bar of the Action or otherwise a Negative Plea, which is not so special an answer to the Action, but that it includes also an Affirmative. As for example; If a Writ of Entry in casu proviso be brought by him in the Reversion of an Alienation by the Tenant for Life, supposing that he hath aliened in Fee, (which is a Forfeiture of his Estate) and the Tenant to the Writ saith, He hath not aliened in Fee; this is a Negative, wherein is included an Affirmative: for though it be true that he hath not aliened in Fee, yet it may be he hath made an Estate in Tail, (which is also a Forfeiture) and then the Entry of him in

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Negativa pregnant.

Negativa pregnant est, quant un Action, Information, ou tel semblable Suite, est port envers un, & le Defendant plead en Barre del Action ou autrement un Negative Plea, que n'est cy special answer al Action, mes que il enclude auxy un affirmative. Come p exemple; Si un Writ de Entry in casu proviso soit port per cestuy en le Reversion sur Alienation p le Tenant pur vie, supposant que il ad alien en Fee, (que est un Forfeiture de son Estate) & le Tenant al Brief dit que il nad alien en Fee; cest un *Negativa*, en que est include un Affirmative: car nient obstant il soit veray q; il nad alien en Fee, uncore il poit estre q' il ad fait un Estate en taile. (le q' est auxy un Forfeiture) & donques l' Entry de celuy
en

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mar en Ancient demesne per
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en

en l'Reversion est loyal, &c.

Item en un *Quare impedit*, l'Roy fist Title de presenter a un Prebend, ratiōne que les Temporalities de l'Evesquerie fueront en sa main p le mort d'W. nuy Episcopum, &c. Le Defendant dit que ne voida pas, esteants les Temporalities e les maines al Roy p le mort de W. Cest un *Negative pregnant*; car il poit estre en les maines del Roy auterment que per le mort de W. & il suffist al Roy si soit en sa maines, &c.

Issint est lon un Information sult port in Scaccario vers J. S. pur ceo que il achate lanes perēter Shering-tēps & Assumption tali annō de J. N. Le Defendant dit quod non emit de J. N. come il est alleadge, &c. Ceo est appelle un *Negative pregnant*; car sil ceo achate de auter, uncore il est culpable pur acheter.

Neif, ou Nief.

Nief est un Feme que est bonde, ou ū Villein Feme: mes si el marrie un Frank-home, el est p cēo fait frank, pur ceo que el & sa Baron sont forsque un person en Ley, & el covient estre de mesme le nature & condition en Ley a tous entents cōe sa Baron; mes sa Baron est frank a tous entents sans ascun condition en Ley, ou auterment; & issint

the Reversion is lawful, &c.

Also in a *Quare impedit*, the King makes Title to present to a Prebend, for that the Temporalities of the Bishoprick were in his hands by the death of W. late Bishop, &c. The Defendant saith that it was not void, the Temporalities being in the Kings hand by the death of W. This is a *Negative pregnant*; for it may be in the Kings hands otherwise then by the death of W. and it suffices the King if it be in his hands by any means, &c.

So, is it where an Information was brought in the Exchequer against J. S. for that he bought Wool of J. N. between Shearing-time and the Assumption such a Year. The Defendant saith he did not buy any of J. N. as it is alledged, &c. This is called a *Negative pregnant*; for if he bought it of any other, yet he is culpable for the buying.

Neif, or Nief.

Nief is a Woman that is bound, or a Villain Woman: but if she marry a Freeman, she is thereby made free, because she and her Husband are but one person in Law, and she ought to be of the same nature and condition in Law to all intents as her Husband is; but her Husband is free to all intents without any condition in Law, or otherwise; and so by

consequence the Wife ought to be, and is free according to the nature of her free Husband. And then if she were once free, and clearly discharged of Bondage to all intents, she cannot be Nief after without special assent by her, as Divorce, or Confession in Court of Record, and that is in favor of Liberty. And therefore a free woman shall not be Bound by taking of a Willain to her Husband; but their Issue shall be Willains as their Father was: which is contrary to the Civil Law, for there it is said, The Birth follows the Belly.

Bondage or Willainage had beginning amongst the Hebrews, and its original of Chanaan the son of Cham, who, because he had mocked his father Noe to scorn, lying dissolutely when he was drunk, was punished in his son Chanaan with penalty of Bondage.

Ne Injuste vexes.

NE injuste vexes. Look in the Title *Monstraverunt.*

Next Friend.

Next Friend. See *Prochein Amy.*

per consequens le Feme covient estre, & est frank accordant al nature son frank Baron. Et donques si el soit un folts franke & cleerement discharge de Villenage a tous entents, el ne poit estre Nief apres sans especial assent fait per luy, come Divorce, ou Confession en Court de Record, & c'est en faveur de Libertie. Et poeo un Franke feme ne serra Villeine per prisel del Villein a sa Baron; mes leur issue serra Villeines come leur Pere fult: que est contrary a le Ley Civile, car la est dit, *Partus sequitur Ventrem.*

Bondage ou Villainage ad son commencement entre les Hebrews, & son original de Chanaan le fils de Cham, q. p. qeo, que il avoit derisè son Pere Noe, gisant dissolument quant il fult ebrele, fait punie en son fils Chanaan avecque penaltie d'Bondage.

Ne Injuste vexes.

NE injuste vexes. Vide Title *Monstraverunt.*

Next Friend.

Next Friend. Vides *Prochein Amy.*

Nihil

Nihil dicit.

Nihil dicit est, quant'un Action est porte envers un home, & le Defendant appare, & le Plaignif declare, & le Defendant ne voile responder, ou pleade al Action, & ne maintiense son Plee, mes fait Default; ore sur cest Default il sera condemne, quia Nihil dicit.

Nisi prius.

Nisi prius est un Bfe judicial, & gist quant'un Enqueste est impanell & retourne devant les Justices en Banke, donques le Plaignif ou Defendant pourcever cest Bfe direct al Jure, luy commandant q'il face venir la Enqueste devant les Justices en m le Countee a l'ouyrence, & ceo p'cesement del Enquest.

Nomination.

Nomination est, sou un poir, en droit de son Mannor ou auterment, nominate & appoiner un able Clerk ou hōe al un Parsonage, Vicarage, ou del Spiritual promotion; Et nota que cest Nomination poit estre al auter quel Ordinarie, que auter luy present al Ordinarie.

Nihil dicit.

Nihil dicit is, when an Action is brought against a Man, and the Defendant appears, the Plaintiff declares, and the Defendant will not answer, or pleads to the Action, and doth not maintain his Plea, but makes Default; now upon this Default he shall be condemned, because he saith nothing.

Nisi prius.

Nisi prius is a writ judicial, and lies where an Enquest is empannelled and returned before the Justices of the Bench; then the Plaintiff or Defendant may have this writ directed to the Sheriff, commanding him to cause the Enquest to come before the Justices in the same County at their coming, and that for the sake of the Enquest.

Nomination.

Nomination is, where one may in right of his Mannor, or otherwise, nominate and appoint a worthy Clerk or man to a Parsonage, Vicarage, or such like Spiritual promotion. And note, that this Nomination ought to be another then the Ordinarie, which other shall present him to the Ordinarie.

Non-ability.

Non-ability is, where an Action is brought against one, and the Defendant says, that the Plaintiff is disable to sue an Action, and demands Judgment if he shall be answered. There are six causes of Non-ability in the Plaintiff: as if he be an Outlaw, or an Alien born, (but that Disability is in Actions real and mixt only, and not in Actions personal, except he be an alien enemy) or condemned in Treason, or professed into an Abbey, Priory, or Friary, or Excommunicate, or a Villain, and owes his Lord. But this last is no Plea for a norther that is not Lord to the Villain. See more hereof, Litt. l. 2. c. 11.

Non-age.

Non-age is all that time of a mans age under 21 years in some cases, and 14 in others, as Marriage. See Broke Tit. Age.

Non-claim.

Non-claim is the Omission or neglect of him that ought to challenge his Right within a time limited, by which neglect he is either barred of his Right, as at this day upon Non-claim within five years after a Fine and right to him ac-

Non-ability.

Non-abilite est, lou un Action est port vers un, & le Defendant dit, que le Plaintiff est non able de fuer asc' Action, & demand Judgment sil serra responde. Il y ad 6 causes de Non-abilite en le Plaintiff: come sil soit Usage, ou Alien nee, (mes cest Disability est en Actions reals & mixt seulement, & non en Actions personnels, si non que il soit un Alien enemy) ou condemne en Traison, ou plesse en un Abbe, Priorie, ou Frerie, ou Excommunge, ou un Villeine, & sue son Seigneur. Mes cest darreine nest Plece pur auter que nest Seigneur al Villeine. Vide de ceo Litt. l. 2. c. 7.

Non-age.

Non-age est tout les temps de l'age del home desouth 21 ans en aucun cases, & 14 en auter, come Marriage. Veies Broke, Tit. Age.

Non-claim.

Non-claim est l'Omission ou neglect de cestuy que doit challenger son Droit deins un temps limite' per quel neglect il est ou barre de son Droit, come a cest jour sur Non-claim deins cinque ans apres un Fine & droit a luy accrue,

accrue, per le Statute de 4 H. 7. c. 24. ou de son Entrie per un discent pur default del Claim deins cinque ans aps le Disselsin fait, p le Statute de 32 H. 8. c. 33.

crued by the Statute of 4 H. 7. c. 24. or of his Entry by a discent for want of Claim within in five years after the Disselsin made, by the Statute of 32 H. 8. cap. 33.

Non omittas propter libertatem.

Non omittas propter libertatem.

NON omittas propter libertatem, est un Brief que gist lou le Viscount retorne sur Brief a luy direct, que il ad mand al Bailiff de tiel Franchise que aver Retorne des Briefs, & il nad servie le Brief; donques le Plaintiff avera cest Brief direct al Viscount, que il luy mesme enter en le Franchise, & execute le Brief le Roy.

NON omittas propter libertatem is a Writ that lies where the Sheriff returns upon a Writ to him directed, that he hath sent to the Bailiff of such a Franchise which hath Return of Writs, and he hath not served the Writ; then the Plaintiff shall have this Writ directed to the Sheriff, that he himself enter into the Franchise, and execute the Kings Writ.

Auxy le Viscount garnera le Bailiff, que il soit devant les Justices al jour contenus en le Brief; & sil ne vient & luy acquiesce, donques tous les Briefs judicial que passeront hors del Court le Roy durant mesme le Plee seront Briefs *De non omittas*, &c. & le Viscount ferra execution d'eux pendant cel Plee.

Also the Sheriff shall warn the Bailiff that he be before the Justices at the day contained in the Writ; and if he come not and excuse himself, then all the Writs judicial which shall pass out of the Kings Court during the same Plea shall be Writs *De non omittas*, &c. and the Sheriff shall make execution of them depending that Plea.

Non-suit.

Non-suit.

NON-suit est le Renouancer del Suit per le Plaintiff ou Demandant; quant le mater est en probability p proced,

NON-suit is the Renouncing of a Suit by the Plaintiff or Defendant, when the matter is in probability to proceed,

procted, after the Tenant or Defendant hath appeared, &c. And see the Statute of 2 H. 4. c. 7. in what cases a man cannot be Non-suit; and 23 H. 8. cap. 15. and 8 Eliz. c. 2. and 4 Jac. c. 3. where he that is Non-suit shall pay Costs to the Defendant.

Non sum informatus.

Non sum informatus is a formal Answer made by an Attorney, who is commanded by the Court to say something in Defence of his Client; by which he is deemed to leave his Client undefended, and so Judgement passes for the other party.

Novel Assignment.

Novel assignment is, where a man brings Trespals for breaking his Close: And the Defendant justifies in a place where no Trespals was done; then the Plaintiff assigns the Close where it was; to which the Defendant may plead, Not guilty, or justify by Title. And there are other Replications in Battery, and other Trespals; as if the Defendant in Battery justifies by a Title: The Plaintiff replies, that after the Return of it, the Plaintiff in that Suit discharged the Plaintiff out of Prison, and that the Defendant after that Imprisoned him, now the Defendant must answer to that Replication.

ceed, apres le Tenant ou Defendant ad appear, &c. Et vide le Statute 2 H. 4. c. 7. en queux cases l'hoë ne peut estre Non-suit; & 23 H. 8. c. 15. & 8 Eliz. c. 2. & 4 Jac. c. 3. loit cestui qui est Non-suit payera Coſts al Defendant.

Non sum informatus.

Non sum informatus est un formal Response fait par un Attorney, que est commandé par le Court dire ascun chose en Defence d son Client; par lequel il est adjudge laché son Client sans Defence, & issint judgement passe p l'autr partie.

Novel Assignment.

Novel Assignment est; où home port trespasse de son close debruse: Et le Defendant justifie en un lieu ou nul trespasse fuit fait. Donc que Plaintiff assigne la close où c' fuit, a q' le Defendant pöit plead, de rien culpable ou justifie per tide. Et auxi sont aut's Replications en Battery, & aut's Trespals; come si Def. en Battery justifie per un Brief, le Plaintiff reply que puis le Returne de ceo le Plaintiff en ceo fuit discharge le Plaintiff hors de Prison, & puis le Defendant luy prist & Imprison, ore le Defendant respond a ceo Replication.

Nude Contract.

Nude Contract, ou Nude Promise, est, lou un hōe bargaine ou vende ses Terres ou Biens, ou pmise p don al'auter monie, ou un chival, ou edifier un meason, ou faire tiel chose a tiel jour, & la est nul recompence appoint a luy p le faire de ceo; come si un dit al'auter, Jeo vende ou done a vous tous mes Terres ou Biens, & la est nul chose appoint, assigne, ou agree, que l'auter donera ou payera pur ceo, issint que il nad quid pro quo: cest u *Nude Contract*, & void en Ley, & p non-performance de ceo nul Action gist car, *Ex nudo Pacto non oritur Actio*.

Nuper obit.

Nuper obit est un Brief, & gist lou un ad plusors Heirs, cessuavoir, plusors Fils, ou plusors Firs, si soit en Gaveldind en Kent, & devle seisie, & un Heire entra en tout la Terre; donques les autres que sont tenus dehors averont cest Brief vers le Coheir que tunc deins. Mes Brief de Abrenabili parte gist en tiel cas: ou l'Ancestor soit un foirs seise, & nel morast elsie de Possession, mes del Reversion.

Bare or Naked Contract.

Bare Contract, or Naked Promise, is where a Man bargains or sells Lands or Goods, or promises to give one Money, or a Houle, or to build a Houle, or do such a thing at such a day, and there is no recompence appointed to him for the doing thereof; as if one say to another, I sell or give to you all my Lands or Goods, and there is nothing appointed, assigned, or agreed upon what the other shall give or pay for it, so that there is not one thing for another: this is a *Naked Contract*, and void in Law, and for non performance thereof no Action lies, for, *Ex nudo Pacto non oritur Actio*.

Nuper obit.

Nuper obit is a Brief, and it giveth where one hath many Heirs, that is, many Daughters, or many Sons, if it be in Gaveldind in Kent, and deviseth, and one Heir enters into all the Land, then the others whom he holds are shall have their writs against the Coheir that is in. But a writ of Abrenabili parte lies in such case where the Ancestor was once seise, and was not seise of the Possession, but in Reversion.

Nuisance.

Nusans.

Nuisance is, where any Man raises any Wall, or stops any Water, or doth any thing upon his own Ground to the unlawful hurt or annoyance of his neighbor; he that is grieved may have thereof an Assise of Nuisance: And if he that makes the Nuisance aliens the Land to another, then this Assise shall be brought against them both, as it appears by the Stat. of Westm. 2. c. 24.

It may be also by stopping Rights in an Houle, or causing water to run over Houle or Land, for remedy inhereof, an Action upon the Case or Assise lies.

Nusans est, l'on asc' home levie aucun Mur, ou stoppe aucun Eau, ou fait aucun chose sur son Tres demesne al annoyauce son pchein; cestuy que est grieve avera un Brief appel *Assise de Nusans*: Auxy si il que fist le Nusans alien le Terre a un autre, donques cest Brief serra port enverz ambideux, come appiert p le Statute de Westm. 2. c. 24.

Poit estre auxy p estopper de Luminers en un meile, ou p causer d'ewe de flow sur meile autres par remedy de quel un Action sur le Case ou Assise gist.

O.

O.

Oblations.

Oblations.

Oblations are what things soever are offered to God and his Church by pious and faithful Christians.

Oblations sunt quacunque a plus fidelibusque Christianis offeruntur Deo & Ecclesie.

Occupant.

Occupant.

Occupant, Is when a man makes a Lease to another, in the Term of the Life of a third person: The Lessee dies,

Occupant, est quant un homme fist un Lease al autre par Term del Vie de tierce perso: Le Lessee morust, il que premier

mes enter, tener la terr
come occupant durant' la
vie del tierce person; Quel
a prevenir tiels leases sont
ore faits al Lessee ses heirs &
assigns, 2 Cro. 554. Co. 6. Rep. 37.

He who first enters shall hold
the land as occupant during the
life of the third person; To
prevent which such Leases are
now made to the Lessee his heirs
and assigns, 2 Cro. 554. Co. 6. r. 37.

Odio & Atia.

O *Dio & Atia* est un vieux
Brief mentionné le Sta-
ture de Westm. 1. fait en 3 E.
1. cap. 11. & fuit direct al
Viscount, pur Inquire si hōe
commise al prison sur Sus-
picion del Murder fuit com-
mise sur un just Suspicion, ou
pur malice solement. Et si
sur enquiry fuit trove que ne
fuit culpable, adonques un
autre Brief venust al Vis-
count p luy bailer. Mes cest
course est ore tolle per le
Statute de 28 E. 3. cap. 9.
come appier en Stamford's
Pl. Cor. fol. 77. G. Et veies
Coke, lib. 9. fol. 56. a. b.

Odio & Atia.

O *Dio & Atia* is an old Writ
mentioned in the Statute
of Westm. 1. made in 3 E. 1. cap.
11. and it was directed to the
Sheriff, to inquire whether a
man committed to prison upon
Suspicion of Murder were
committed upon just cause of
Suspicion, or for Malice only.
And if upon an inquisition it
were found that he were not
guilty, then there came another
Writ to the Sheriff to bail him.
But now that course is taken
away by the Statute of 28 E. 3.
cap. 9. as it appears in Stamford's
Pl. of the Crown, fol. 77. G. And
see Coke, lib. 9. fol. 56. a. b.

Ordal.

O *rdal* est tant adire
come *Expers criminis*;
& fuit ancient manner de
Trial en Criminal causes:
car quant le Defendant,
estant arraine, plede *Rien*
culpable, il puit essier le quel
il voet mitter luy mesme sur
Dieu & le Pais, que est sur le
Verdict de Douze homes, cōe
il sont jésque a cest jour, ou
sur Dieu solement; & pur
ceo fuit appel *Judicium Dei*,

Ordal.

O *rdal* is as much as to say as
Not guilty, and was an
ancient manner of Trial in
Criminal causes: for when
the Defendant, being arraign-
ed, pleades Not guilty, he might
chuse whether he would put
himself upon God and the
Country, which is upon the
Verdict of twelve men, as they
are at this day, or upon God
only, and therefore it was
called The Judgment of God,

presuming that God would deliver the innocent; and that was, if he were of free estate, by fire, that is to say, to go bare-footed over nine Plow-shares fire-hot: and if he escaped unhurt, he should be acquitted, and if not, then he should be condemned. And if the party were of servile condition, then he should be tried by Water, which was in divers manners: For which see Lambert, in the word Ordalium. But now this Trial is prohibited by Parliament. See Coke, lib. 9. fol. 32. b.

Ordelse.

Ordelse is, where one claims to have the Ore that is found in his Soil or Ground.

Ordinary.

Ordinary is a term of the Civil Law, and there signifies any Judge that hath authority to take Conusance of Causes in his own Right, and not by Deputation. But in the Common Law it is properly taken for the Bishop of the Diocess, who is the true Ordinary to certifie Excommunications, lawful Marriages, and such Ecclesiastical and Spiritual acts within his Diocess, to the Judges of the Common Law; for he is the party to whom the Court ought to write upon such occasions. And yet the word Ordinary is usually

presumant q Dieu voille deliver le innocent; cestascavoir, si luit de Franke estate, donqs p Feu, cestascavoir, a passera ouster *novem Vomeris ignitos nudis pedibus*: & si l escape *illesus*, il serra acquite; & si nemy, il serra condemné. Et si le partie fuit d u Servile condition, donque il serra trie per Ewe, que fuit en divers maners: Pur queux veies Lambert, verbo *Ordalium*. Mes jannes cest Trial est ouste p Parlemeute. Veies Coke, lib. 9. fol. 32. b.

Ordelse.

Ordelse est, lou un claim de aver le Ore que est trove en son Solle ou Terre.

Ordinary.

Ordinary (*Ordinarius*) est u term del Civil Ley, & en ceo signifie alcun Judge q ad authority p prender Conusance de Causes e son droit dem, & nemy p Deputation. Mes en le Common Ley est ppermt prise p l' Evesque de chesc Dioces, q est le voler Ordinary p certifier Excommengement, loyal Marri-mony, & tiels Ecclesiastical & Spiritual acts deins ses Dioces, as Judges d l Common Ley; car il est le party a q le Court doit escrire sur tiels occasions. Et uncore cest parol Ordinary est usualment
L I 3 prise

prise en le Common Ley & les Statutes p̄ cheiscun Commis-
sarie ou Official dī Eveſque
ou autre Judge Ecclesiastical
que ad Judicial Authority de-
ins son Jurisdiction, come ap-
piert en *Coke*, l. 9. *Hensloe's*
c. fol. 36. b. & le Statute *Westm.*
2. c. 19. & 31 E. 3. c. 11. &
plusors autres,

taken in the Common Law and
Statutes for every Commissary
or Official of the Bishop or an-
ther Judge Ecclesiastical that
hath Judicial Authority with-
in his Jurisdiction, as appears
in *Coke* l. 9. *Hensloe's* c. fol. 36.
b. and the Statute of *Westm.* 2.
cap. 19. & 31 E. 3. cap. 11. and
many others.

Orfgild.

ORfgild est Pecudis Solutio
vel reddito, de Sax. Orf.
Pecus, & Gild, Solutio, Red-
ditio.

Orfgild.

ORfgild signifies a payment of
rescoring of Cattel, from the
Sax. Orf. Pecus, and Guild Solu-
tio, Redditio.

Ouster le maine.

Ouster le maine (*Amoveas*
manum) est un Brief di-
rect al Escheator, pur deliver
Seisin ou Possession hors des
mains le Roy al partie que sue
le Brief, pur ceo que les Ter-
res seises ne sont tenus del
Roy, ou pur ceo que il ne doit
aver le Gard de eux, ou pur
ceo que le Title le Roy est de-
terminē, &c. Est auxy le Judg-
ment done en un *Monstrance*
de Droit, ou sur un Travers
ou Petition: car quant appi-
ert sur le matter discutee q̄
le Roy nad Droit ou Title al
chose que il seise, adonque
Judgment serra done que
ls maines le Roy sont ou-
tes; & sur ceo un *Amoveas*
manum serf agard al Eschea-
tor; que est tant sicome Judg-
ment suit done que le party

Ouster le maine.

Ouster le maine is a Writ di-
rected to the Escheator, to
deliber Seisin or Possession
out of the Kings hands unto
the party that sues the Writ,
for that the Lands seised are
not holden of the King, or for
that he ought not to have the
wardship of them, or for that
the Kings Title is determin-
ed, &c. It is also the Judge-
ment given in a *Monstrance*
de Droit, or upon a Traverſe or
Petition: for when it appears
upon the matter discussed that
the King hath no Right or Ti-
tle to the thing that he seised,
then Judgment shall be given
that the Kings hand be amov-
ed; and thereupon an *Amoveas*
manum shall be awarded to the
Escheator; which is as much
as if Judgment were given
that

that the party should have his Lands again. And see for this Stat. Prerog. cap. 24.

averolt son Terre arere. Et veles pur ced *Stamford. Prerog. cap. 24.*

Outfangtheef.

Outfangtheef.

Outfangtheef is, that Thieves or Felons belonging to your Land or Fee, but taken out of it, shall be brought back to your Court, and there judged.

Outfangtheef est, quod Latrones de Terra vestra vel Feodo vestro, extra Terram vestram vel Feodum vestrum capiti, ad Curiam vestram revellantur, & ibidem judicentur.

Outlary.

Outlary.

Outlary. See Utlary.

Outlary. Veles utlary.

Owelty.

Owelty.

Owelty is, when there is Lord, Mesne, and Tenant, and the Tenant holds of the Mesne by the same Service that the Mesne holds over of the Lord above him: as if the Tenant holds of the Mesne by Homage, Fealty, and xx s. Rent, and the Mesne holds over of the Lord above by Homage, Fealty, and xx s. Rent also; this is called Owelty of Services.

Owelty est, quant il y ad Seignolour, Mesne, & Tenant, & le Tenant tient del Mesne p mesme les Services que le Mesne tient ouster de le Sür Paramount: come si le Tenant tient del Mesne per Homage, Fealty, & xx s. de Rent annuelment, & le Mesne tient ouster de l' Sür Paramount p Homage, Fealty, & xx s. Rent auxy; cest appelle *Owelty de Services.*

Hearing of Records and Deeds, &c.

Oyer de Records & Faits, &c.

Hearing of Records and Deeds is, where an Action of Debt is brought against a man upon an Obligation, and the Defendant appears, and then says that he may hear the Ob-

Oyer de Records & Faits est, ou un Action de Det est port envers un home sur un Obligation, & le Defendant appare, & donques prie que il soit Oyer le Obligation

Barion ovesque que le Plain-
tiff charge luy.

Ilsint est quant Executors
port un Action de Det, & le
Defendant demand Oyer del Te-
stament; sur cest demand il
ferra lie al luy. Mes si soit
en un autre Terme, ou apres
que le Defendant ad imparle,
doncs il navera le Oyr. Et is-
sint come est dit de Faits, est
deffis entende de Records que
sont alledge envers luy. Mes
en B. R. le Defendant poit
al ascun temps devant Plea, &
le Plainrife aver Oyr del Fait
ou Record. Veies le Title
Monstrans de Faits.

Oyer & Terminer.

Oyer & Terminer est Brief
appel en Latin de Audi-
endo & Terminando, & gift qnt
asc' grand ou soudain Insurre-
ction est fait, ou asc' autre so-
dain Transgression, que requir
hasty reformation; donque le
Roy directera un Commission
a certain Justices de Audiendo
& Terminando.

Nota que les Justices de
Assise ont un Commission de
Oyer & Terminer direct al eux,
& divers autres inhabitants
deins les Counties as queux
leur Circuit extende, dont
chesc' de les Justices de As-
sise sont del Quorum, pur le
meulx oyer & determiner de
divers Offences queux poient
avener en leur Circuit, quel
sans cel Commission eux ne

ligation wherewith the Plain-
tiff charges him.

So it is when Executors
bring an Action of Debt, and
the Defendant demands to hear
the Testament; upon this de-
mand it shall be read unto him.
But if it be in another Term, or
after the Defendant hath im-
parled, then he shall not hear it.
And so as is said of Deeds, is
to be understood of Records that
are alledged against him. But in
the Kings Bench the Defendant
may at any time before Plea,
and the Plaintiff have Oyer of
Deed and Record. See the
Title Monstrans de Fait.

Oyer and Terminer.

Oyer and Terminer is a Writ
called in Latine, de Audiendo
& Terminando, and it lies whert
any great or sudden Insurrecti-
on is made, or any other sudden
Trespasse, which requires hasty
Reformation; then the King
shall direct a Commission to cer-
tain Justices to hear and to de-
termine the same.

Note, that the Justices of
Assise have also one Commission
of Oyer and Terminer directed to
them, and divers other Inhabi-
tants within the Shires
whereunto their Circuit extends,
whereof each of the Justices of
Assise are of the Quorum, for the
hearing and determining of di-
vers Offences which may hap-
pen in their Circuit, which
without this Commission they
could

could not do. See Fitzh. N. B. fol. 110. b.

poient fair'. Veis Fitzh. N. B. fol. 110. b.

P.

Paine fort & dure.

Paine fort & dure is an especial Punishment for such as, being arraigned for Felony, refuse to put themselves upon the common Trial of God and the Country, and thereby are Mute, or as Mute in Law. See this at large in Stamford Pl. Cor. fol. 150.

Palace Court.

Palace-Court, is a Court of Record, erect by King James by his Letters Patents, and held at Southwark, and is a Court of Common Law. See Marshallsa.

Pannage.

Pannage. See Pannage.

Pannel.

Pannel comes of the French word Panne, that is, a Skin, & signifies in our Common Law a Schedule or Roll containing the names of the Jurors which the Sherif hath return=

P.

Paine fort & dure.

Paine fort & dure est un particular Punishment pur tels que esleant arraigné pur Felony, refusont de mitter eux mesmes sur le usual Trial de Dieu & le Pals, & per ceo sont Mute, ou come Mute en Ley. Veles ceo a large en Stamford. Pl. Cor. fol. 150.

Palace-Court.

Palace-Court est un Court de Record erect per le Roy James, per ses Letters Patents teigne a Southwark, & est un Court de Common Ley. Veles Marshallsa.

Pannage.

Pannage. Veies Pannage.

Pannel.

Pannel venust del parol Francois Panne, id est, Pellis, & signifie en nostre Comon Ley un Schedule ou Rolle que contene les noms des Jurors queux l' Viscount ad

ad return de passer sur aucun Trial. Et pur ceo le *Impannell* del Jury n'est riens fors; le Entry de lour nosmes en le Rolle le Viscount.

ed to pass upon any Trial. And therefore the Empannelling of the Jury is nothing but the entering of their Names into the Sheriffs Roll.

Pape.

Pape (*Papa*) est un nosme q̄ signifie *Pater*, & anciennement fuit apply al autre Clergy-men en le Grec Eglise; m. s. p usage est particulièrement approprie en le Latin Eglise al Eveque de Rome: un nosme mult frequent en nostre ancient Annuels Livres, specialment en le temps de ceux Roys, queux, grandment abandonants leur Imperial Authorite, & abasans eux mesmes debaise lour Estate, suffer un Alien, un ourlandish Eveque, q; inhabiter 1000 miles d'eux, ne toller d'eux le disposition de plusieurs Spiritual Preferments, aucun temps p Lapse, & aucun temps per Provision, ou auterment. Pur redresse d quel divers Statutes ont este fait pendant que le Royaulme fuit de la Roman Communion; mes tout son Povoir ne fuit tolle j'esque vers la fin del Roigne de Roy Henry le huit.

Paramount.

Paramount est un pol compounde ds deux polys Francois, (*par*, i.e. *per*, & *monter*, i.e. *ascendere*;) & signifie e nre Ley le plus Haut Sür del Fee.

Pape, or Pope.

Pape (*Papa*) is a name that signifies Father, and anciently was applyed to other Clergy-men in the Greek Church; but by usage is particularly appropriated in the Latin Church to the Bishop of Rome: a name very frequent in our ancient Year-Books, especially in the times of those Kings, who, too much abandoning their Imperial Authority, and abasing themselves beneath their estate, suffered an Alien, an Ourlandish Bishop that dwelt 1000 miles off, to take from them the disposition of many Spiritual preferments, sometimes by Lapse, sometimes by Provision, or otherwise. For redress whereof divers Statutes were made while the Kingdom was of the Roman Communion; but his whole Power was not taken away till towards the latter end of Henry the Eighths Reign,

Paramount.

Paramount is compounded of two French words, (*par* and *monter*;) and it signifies in our Law the highest Lord of the Fee. For the better

ter understanding of this, see
F. N. B. f. 135. M. in his *Writ of*
Mefne.

Par le melieur enuelligence de
ceo, veies F. N. B. f. 135. M. en
son B're d' *Mefne*.

Paraphernalia.

Paraphernalia, in Greek Πα-
ρασκευα à *parer* præter, &
ἐξεν dos. They are Goods
which a Wife challengeth above
her Dowry. 1 Cro. Lord Hall-
ings against Douglas.

Paraphernalia.

Paraphernalia, Grace Πα-
ρασκευα à *parer* præter,
& ἐξεν dos. Quare Para-
phernalia sunt bona q; sponsa
secū fert præter cōstitutā dotē.
1 Cro. D. Hastings vers. Douglas.

Paravaile.

Paravaile is also compounded
of two French words, (par,
and availer;) and signifies
in our Law the lowest Tenant
of the Fee, who is Tenant to
one that holds over of another.
See for the use of this word,
F. N. B. in his *Writ of Mefne*,
f. 135. M.

Paravaile.

Paravaile est ū pol q; auxy
est cōpound de deux polys
Francois, (par i.e. par, &
availer, i.e. dimittere;) & sig-
nifie en n're Ley le plus Base
Tenant del Fee, q; est Tenātal
ū q; tenuit oust' del aut'. Veies
p' l' use de cest pol F. N. B. en
son B're de *Mefne*, f. 135. M.

Parceners.

Parceners are according to the
course of the Common Law,
and according to Custom.
Parceners according to the Com-
mon Law are, where one seised
of an Estate of Inheritance of
Tenements hath no Issue but
Daughters, and dies, and the
Tenements descend to the
Daughters; then they are cal-
led Parceners, and are but as one
Heir. The same Law is, if
he have not any Issue, and that
his Sisters should be his Heirs.
But if a Man hath but one
Daughter, he is not called Par-

Parceners.

Parceners sont solonque le
course de Common Ley,
& solonque le Custome.
Parceners solonque le Com-
mon Ley sont, lou un seisie
d'un Estate d'enheritance des
Tenements ad issue forsque
Files, & devie, & les Tene-
ments discendent a les Files;
donque ils sont appel Parc-
eners, & sont forsque un
Heire. Meisme le Ley est,
si neyr ascun Issue, & que
ses Sores ferroint ses Heires.
Mes si home ad frisque un
File, el n'est dit Parcener,
mes

mes la Fille & la Heire. Et si ne sont Filles ne Sores, les Terres descenderont a les Aunts, & els sont *Parceners*.

Quant Tres descendent a divers *Parceners*, els poient faire Partition enter eux per Agreement; mes si aic d'eux ne voient faire Partition, donque les auters averont un *Brief de Partitioe facienda* direct al Viscount, que ferra Partition enter eux per le serement de xij. loyals homes de sa Baillywike.

Auxy Partition per Agreement poier estre fait p le Key, auxy bien per Parol sans Fait, come per Fait. Et si ils sont d' pleine age, la Partitio rours jours demurrera, & ne sera unques desfeite.

Mes si les Tres sont a eux en le taile, comt que ils sont concludes durant leur vies, uncore l' Issue cestuy q; ad le meinder part en value polt disagree a la Partition, & ent' & occuper e' common ovcsq; l' autre part. Et si les Barons des *Parceners* sont Partition, quant le Baron devie la Feme poir disagree a la Partition. Aux' si le *Parcener* q; en deus age fait Partition, quant el vient a son pleine age el poir disagree. Mes el covient b'en garder quant el vient a son plein age, q' el ne preigne rours les Profits a son use demesne des Tres que fueront a luy allottes; car donques

cener, but the Daughter and Heir. And if there are no Daughters nor Sisters, the Land shall descend to the Aunts, and they are called *Parceners*.

When Lands descend to divers *Parceners*, they may make Partition between themselves by Agreement; but if any of them will not make Partition, then the others shall have a *Writ de Partitioe facienda* directed to the Sheriff, who shall make Partition between them by the Oath of xij. lawful men of the Bailiwick.

Also Partition by Agreement may be made by the Law, as well by Word without Deed, as by Deed. And if they are of full age, the Partition shall remain for ever, and shall never be defeated.

But if the Lands be to them in tail, though they are concluded during their lives, yet the Issue of him who hath the lesser part in value may disagree from the Partition; and enter and occupy in common with the other part. And if the *Husbands* of the *Parceners* make Partition, when the Husband dies the Wife may disagree from the Partition. Also if the *Parcener* who is within Age makes Partition, when she comes to full age she may disagree. But she must take good heed when she comes to her full Age, that she take not all the Profits to her own use of the Lands which were to her allotted

lotted; for then he agrees to the Partition: and the age shall alway be intended the age of one and twenty years.

If there be divers Parceners that have made Partition between them, and one of their parts is recovered by lawful Title; then he shall compel the other to make a new Partition.

Parceners according to Custom are, where a man is seised of Lands in Gavelkind, as in Kent, and other places franchised, and hath issue divers Sons, and dies; then the Sons are Parceners by Custom.

Parco fracto.

Parco fracto is a Writ that lies against him that breaks any Pound, and takes out the Beasts which are there lawfully impounded. See of this F.N.B. 100.E.

Park.

Park is a place in which by Prescription, or by the Kings Grant, a Subject preserves his Game of Beasts feræ naturæ. See Stat. Wil. 3 E. 1: cap. 20.

Parliament.

Parliament, See the Lord Cook's 4th Institutes, and Mr. Cowels Interpreter, Title Parliament.

el loy agree al le Partition: & le pleine age serra tous foits entende al age de 21 ans.

Auxy si sont divers Parceners que ont fait Partition entre eux, & le part d'un soit recover vers luy p Title loyal; donques el compellera les auters de faire novel Partition.

Parceners solonque le Custom sont, lou home est seifig de Tires en Gavelkind, come en Kent, & autres lieux franchises, & ad issue divers Fils, & devie; donque les Fils sont Parceners per le Custom.

Parco fractio.

Parco fractio est u Writ que gist vers cestuy q enfreint asc Pound, & prist hors d'ceor ascuns avers queux sont la loy alment impounds. Veies de ceo F.N.B. 100.E.

Park.

Park est un lieu en q per perscripcon ou p grant de Roy, un Subject preserve son game des avers feræ naturæ. Veies Stat. Wil. 1. 3 Ric. 2. cap. 20.

Parliament.

Parliament, Veies le Sir Cook's 4 Institutes, & Monsieur Cowels Interpreter, title Parliament.

Par-

Parson imparsonnee.

Parson imparsonnee est celsui q' est en possession dun Eglise approprié ou presentative: car issint est use e abideux cases e Dyir, f. 40. b. & f. 221. b.

Parties.

Parties al Fine ou Fait son ceux queux sont nommes en Fairs ou Fines come Parties a ceo; come ceux queux levie le Fine, & ils a q; le Fine est levie. Et ils que sont un Fait de Feoffmt, & ils a que il est fait, sont appellees Parties al Fait: & issint en auters semblables cases.

Nota, que si un Indenture soit fait entre deux cō Parties a ceo e le cōmencement, & en le Fait un d'eux grant ou lessa un chose al un autre q; nest nomme en le cōmencement, il nest Partie al Fait, ne prendra riens per ceo.

Partition.

Partition est un Division de Terres descendus per se Common Ley, ou per Custome, perenter Coheirs ou Parceners, ou ils sont deux al meines, soient ils Fitz, Fils Soers, Aunts, ou autrement de kin al Apece ou de que le Terre descende d'eux.

Et cest partition est fait

Parson imparsonnee.

Parson imparsonnee is, he that is in possession of a Church appropriate or presentative, for so it is used in both cases in Dyce, l. 40. b. and f. 221. b.

Parties.

Parties to a Fine or Deed are those which are named in a Deed of Fine as Parties to it; as those that levy the Fine, and they to whom the Fine is levied. And they that make a Deed of Feoffment, and they to whom it is made, are called Parties to the Deed: and so in many other like cases.

Note, that if an Indenture be made between two as Parties thereto in the beginning, and in the Deed one of them grants or lets a thing to another who is not named in the beginning, he is not Party to the Deed, nor shall take any thing thereby.

Partition.

Partition is a Division of Lands descended by the Common Law, or by Custome among Co-heirs or Parceners, where there are two at least, whether they be Sons, Daughters, Sisters, Aunts, or other kins of kin to the Ancestors from whom the Land descended to them.

And this Partition is made four

four ways for the most part; whereof three are at pleasure and by Agreement among them, the fourth is by Compulsion.

One Partition by Agreement is, when they themselves divide the Land equally into so many parts as there are of them Coparceners, and each to chuse one share or part, the Eldest first, and so the one after the other, as they be of age; except that the eldest by consent made the Partition, then the choice belongs to the next, and so the eldest last, according as it is said, Who makes the Partition, the other must have the Choice.

Another Partition by Agreement is, when they chuse certain of their Friends to make Division for them.

The third Partition by Agreement is, by drawing Lots, thus: first, to divide the Land into so many parts as there are Parceners; then to write every part severally in a Little Scroll, or piece of Paper, or Parchment, and put the same Scroll or close into a Hat, or Cap, or other such like thing; and then each Parcener, one after another as they are in age, to draw one piece or Scroll wherein is written a part of the Land which by this Drawing is now severally allotted to them in Fee-simple.

The fourth Partition, which is by Compulsion, is, when one or some of the Coparceners would have Partition, and o-

quater voles p le plus part; de q; trois sont al pleasure & p Agreement penter eux, le quart est per Compulsion.

Un Partition per Agreement est, quāt ils mesmes dvide le Tfe equalment en tants parts cōe la sont d'eux. Coparceners, & chesc' d' essier un share ou part, l'eigne primerm̄r, & issint l'un apres l'auter, cōe ils sont d'age; si non q; le eigne per consent fait le Partition, donques l'Election appertiet al pcheine, & issint al eigne darreinement, accordant cōe il est dit, *Cajus est Partitio, alterius est Electio.*

Un aut' Partition per Agreement est, quant ils essient certain de leur Amies de faire Division pur eux.

Le tierce Partition per Agreement est, per trahens de Lots, issint: Primerm̄r de dvider le Tfe en tants des ptes come la sont Parceners; donques a scriber chesc' part severalm̄r e n petit Scroll, ou pcece d' paper, ou parchm̄t, & d' mitter ceux Scrolls close en un Hat, Cap, ou auter tiel semblable chose; & donqs chesc' Parcener, un aps, auter, come ils sont d' age, a traher un pcece ou Scroll & q; est escript un part d' Tfe, que per cest Trahens est ore severalement allotte al eux en Fee-simple.

Le quart Partition, que est per Compulsion, est, lou un ou aucuns d' les Coparceners violent aver Partition, & au-

ters

ters ne voient agreer a ceo; donques ceux que issint volent aver Partitio poyent porter un Brief *De Partitioe facienda* envers les autres queux ne voient faire Partitio, per vertue d' quel ils serroient compeld parter, &c.

En *Kent*, lou les Terres sōt d' *Gavelkind*-nature, ils appel a cest jour leur Partitio *Shifting*, il mesme parol que les *Saxons* use, nosmetnt *Shifting*, que signifie pur fair Partitio perenter Cohelres, & assigner a chescun d' eux leur portion. En *Latin* est appelle *Herciscere*.

Partitio auxy poit estre fait per Joynrenants ou Tenants en common per leur assent, p Fait enter eux, ou p Brief, p les Statutes d' 31 *H.8. cap.1.* & 32. *H.8. cap.32.*

Passport.

Passport est un parol mention en le Statute 2 *E.6. cap.2.* & signifie un Licence fait per alic' que ad authority, pur le safe passage d'aucun hoē del un lieu al autre.

Patron.

Patron est celuy q' ad l'Advowson d' n' Parsonage, Vicarage, Free-chappel, ou tiels sebl' *Spiritual Promotions*, appartient a son Mannor, ou autrement en grosse, & per ceo pōit ou doit doner mesme l'

ther some will not agree thereto; then they that so would have Partitio may bring a Brief *De Partitioe facienda* against the others that would not make Partitio, by virtue whereof they shall be compelled to part, &c.

In *Kent*, where the Lands are of *Gavelkind*-nature, they call at this day their Partitio *Shifting*, even the same word that the *Saxons* used, namely *Shifting*, which signifies to make Partitio between Cohelres, and to assign to each of them their portion. In *Latin* it is called *Herciscere*.

Partitio also may be made by Joynrenants or Tenants in common by their assent, by Deed between them, or by Writ, by the Statutes of 31 *H.8. cap.1.* and 32 *H.8. cap.32.*

Passport.

Passport is a word mentioned in the Statute of 2 *E.6. cap.2.* and signifies a Licence made by any that hath authority, for the safe passage of any man from one place to another.

Patron.

Patron is he that hath the Advowson of a Parsonage, Vicarage, Free-chappel, or such like *Spiritual Promotions*, belonging to his Manor, or otherwise in gross, and thereby may or ought to give the same

Benefice, or present thereto, when and as often as it becomes void. And this being Patron, or Patronage, had beginning for the most part by one of these three ways: namely, either by reason of the Foundation, for that the Patron or his Ancestors, or those from whom he claims, were Founders or Builders of the Church; or by reason of Donation, for that they did endow or give Lands to the same for maintenance thereof; or else by reason of the Ground, because the Church was set or built upon their soil or ground: and many times by reason of all three.

Paunage or Pannage.

PAunage, or Pannage, is that money which the Agistors of Forests do gather for the feeding of Hogs within the Forest: and it is also taken for all manner of Mast of trees within the Forest on which the Hogs do feed. See Manw. For. Laws, chap. 12. fol. 90. a.

Peers.

PEERS are those that are impanelled in an Enquest upon any man, for the convicting or clearing him of any offence for which he is called in question. The reason of which appellation of the Jury is, for that Peers comes from the Latin Pares, that is, Equals; and the

Benefice, ou present a ceo quant & cy tost q il devient volde. Et cest esteant Patron, ou Patronage, ad commencement pur l' plus part per un d ceux troies voyes: nolsmeint, ou *ratione Foundationis*, pur ceo quel Patron ou ses Auncestors, ou ceux d q il clame, fueront Founders ou Edifiers de l' Eglise; ou *ratione Donationis*, pur ceo q ils endowe ou done Terres al ceo pur maintenance; ou auterment *ratione Fundi*, pur ceo q le Eglise fuit mis ou edifie sur leur soile ou terre: & divers temps p raison de tous trois.

Paunage ou Pannage.

PAunage ou Pannage, (*Pannagium*) est ceo argent que les Agistors des Forrests collect pur l' feeder des Porcels deins l' Forrest, & est auxy prise pur tous maners del Mast des arbres deins l' Forrest, d q les Porcels feed. Veies Manw. For. Leys, c. 12. f. 90. a.

Peers.

PEERS sont ceux q sont impanelés en un Enquest sur aucun home, pur l' convicter ou acquiter d' luy d' asc' offence pur que il est en question. Le reaso d' ql' appellation de Jury est p ceo, que Peers venust del Latin Pares, id est, Egals; & le custome d' nostre

M m

Na

Nation est, par trier chescun home per les *Egals*, cestasca-voire, per les *Peers*. Et issint appiert p l' Statutes de *Mag. Charta*, cap. 29. & *West. 1. cap. 6.* Cest parol est auxy usc pur le Nobility del Realm & les Seignours del Parliament, queux sont appellees les *Peers del Realm*. Et de ceo veies *Stamf. Pl. Coron. lib. 3. cap. 1. fol. 152.*

*Perambulatione
facienda.*

Perambulatione facienda est un Bre q gist lou 2 Saries gisont un pres l'autre, & ascun Encroachment est fait p long tēps; donqs p assent d ambid Seignours, l' Viscount prendra ovesq, luy les parties & les vicines, & fieront *Perambulation*, & fieront les Mesures come ils fueront a devant. Mes si un Seignour encroach sur l'autre, & ne voile faire *Perambulation*, donques le Seignour issint grieve avera Brief vers l'autre, que est appelle de *Rationalibus divisis*.

Perjury.

Perjury est u corrupt ou voluntary faux serement done en Chancery ou en Evidence al Enquest sur troyal d'un Issue al Common ley. Vide Stat. 5 El. cap. 9.

custom of our Nation is, to try every man by his Equals, that is to say, by his Peers. And so it appears by the Statutes of *Magna Charta*, cap. 29. & *West. 1. cap. 6.* This word is also used for the Nobility of the Realm and Lords of the Parliament, who are called the Peers of the Realm. And of that see *Stamf. Pl. of the Crown*, lib. 3. cap. 1. fol. 152.

*Perambulatione
facienda.*

Perambulatione facienda is a writ that lies where two Lordships lie one nigh another, & some Encroachment is made by long time; then, by assent of both Lords, the Sheriff shall take with him the parties and the neighbours, and shall make *Perambulation*, and shall make the Bounds as they were before. But if a Lord encroach upon another, and he will not make *Perambulation*, then the Lord so grieved shall have a writ against the other, which is called de *Rationalibus divisis*.

Perjury.

Perjury is a corrupt or voluntary false oath given in Chancery or in Evidence to a Jury upon troyal of an Issue at Common Law. See Stat. 5 El. cap. 9.

Per-

Perinde valere.

Perinde valere is a term that belongs to the Ecclesiastical Law, and signifies a Dispensation granted to a Clerk who not being capable of a Benefice or other Ecclesiastical Function is de facto admitted to it. And it hath the name from the words which make the faculty as effectual to the party, as if he were actually capable of the thing for which he hath his Dispensation at the time of his admittance.

Pernor of Profits.

Pernor of Profits is he that takes the Profits. Pernor of Profits and Cestuy que use is all one, Coke, lib. 1. Casu Chudley, fol. 123.

But one may be Pernor of, &c. and not Cestuy que use by Title, but by Coven, which see Co. 3. 77, 78. Co. Entr. 698. 2 Leo. rep. 16. 2 Anderson. 23. Stat. 11. H. 6. 3.

Perpetuity.

Perpetuity is used in Law where an Estate is so designed to be settled in Tail, &c. that it cannot be undone or made void. Which the State cannot bear, as is said in the end of the tail. Moot. rep. 809, 810. Co. 1. 84. 130. Co. 6. 40. & 1. 8. 90.

Perinde valere.

Perinde valere est un terme que appartient al ley Ecclesiastical, & signifie un Dispensation graunt al un Clerk, que n'estant capable d'un Benefice ou autre Ecclesiastical Function est de facto admis. Et avoit cest appellation des parols que font l'faculty cy effectual al party, sieste il fuit actualment capable del chose pur que il ad son Dispensation al temps de son admittance.

Pernor de Profits.

Pernor de Profits est il que prend les Profits. Pernor de profits & Cestuy que use est tout mesme, Coke, lib. 1. Casu Chudley, fol. 123.

Mes un poit. ee pernor, &c. & non cestuy q use per title mes per Coven, quel veies Coke 3. 77, 78. Co. Entr. 698. 2 Leo. rep. 16. 2 Anderson. 23. Stat. 11. H. 6. 3.

Perpetuity.

Perpetuity est use en Ley ou un estate est lssint design desire settle en tail, &c. q ceo ne poert ee defait ou anient. Quel le flow Angleterr ne poert porter, come est dit in fine casu, Moot. rep. 809, 810. Coke. 1. 84. 130. Co. 6. 40. & lib. 8. 90.

Per quæ servitia.

PER quæ servitia est un Brief judicial, q̄ issult del Note d'un Fine; & gist pur l' Conusee d'un Mañor ou Seignior, pur compel cestuy que est Tenant del Terre al tēps del Fine levy p̄ attourne a luy. Et de cest Brief veies *Vieux N.B. fol. 170.a.*

Perquisites.

PERquisites sont Advantages & Profits queux vient al un Mañor p̄ casualty, & non annuelment; come Escheats, Harriots, Reliefs, Walfes, Estrayes, Forfeitures, Amerciaments & Courts, Biēs & Terres purchase p̄ Villeins de m̄ l' Mañor, Fine del Copiholds, & divers semblables choses queux ne sont certaine, mes happe per chance, ascun temps plus often que a auter temps. Vide *Perkins fol. 20 & 21.*

Personalty.

PERsonalty: come le Action est ē *Personalty*, cest alcavoir, port envers le droit p̄son, ou le p̄son envers q̄l en Ley il gist.

Per quæ servitia.

PER quæ servitia is a *Writ Judicial*, and goes out upon the Note of a Fine; and it lies for the Conusee of a *Manor* or *Seignior*, to compel him that is Tenant of the Land at the time of the Fine levied to attourn to him. And of this *Writ* see the *Old N.B. fol. 170.a.*

Perquisites.

PERquisites are Advantages and Profits that come to a *Manor* by casualty, and not yearly; as *Escheats*, *Harriots*, *Reliefs*, *Walfes*, *Estrays*, *Forfeitures*, *Amerciaments* in Courts, *Goods* and *Land*s purchased by *Villains* of the same *Manor*, *Fines* of *Copiholds*, and divers other like things that are not certain, but come by chance, sometimes more often than at other times. See *Perkins, fol. 20, & 21.*

Personalty

PERsonalty: as the Action is in the *Personalty*, that is, to say, brought against the right person, or the person against whom in Law it lies.

Petit Cape.

Petit Cape is a Writ that lies when any Intros Real, that is to say, of Plea of Land, is brought, and the Tenant appears, and afterward makes Default; then this Petit Cape shall go forth to seile the Lands into the Kings hands. But if he appears not at the first Summons, then a Grand Cape shall go forth; and for such Default the Tenant shall lose the Land. But if he waige his Law of Non-summons, he shall save his Default, and then he may plead with the Demandant. And in Grand Cape the Tenant shall be summoned to answer to the Default, and farther to the Demandant: But in Petit Cape he shall be summoned to answer to the Default only, and not to the Demandant. And it is called Petit Cape, for that there is less in this Writ than in the other.

Pettybag.

Pettybag is an Office in the Court of Chancery, for Suits for and against Attorneys and Officers of that Court; And for process and proceedings by extents on Statutes, Recognizances, Ad quod dampnum, &c. Parva Baga dicitur.

Petit Cape.

Petit Cape est un Brief qui gist quant ascun Action Real, cessalascavoir, de Plee de Terre, est port, & le Tenant appeare, & puis fait Default; donques llera cest *Petit Cape*, de seler les Terres in maines le Roy. Mes sil ne apper' al primer Summons, donques llera un *Grand Cape*; & pur cel Default le Tenaunt perdra la Terre. Mes sil gage son Ley de Non-summons, ils saver son Default, & donques il poit pleade ovesque le Demandant. Et in *Grand Cape*, le Tenant serra summon pur responder al Default, & ouster al Demandant: Mes en *Petit Cape* il serra summon pur responder al Default solement, & nemy al Demandant. Et est appelle *Petit Cape*, pur ceo que il ad minus en cel Brief que en l'auter.

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Petit Serjeantie.

TENER p. *Petit Serjeantie* est sicome un home riet de Roy Terres ou Tenemens, rendant a luy un Cattel, un Escue, un Set, un Arc sans cord, ou ar' semb' Service, a la volunt le premier Pessor; & la nappent Gard, Marriage ne Relief. Et nota, que homi ne poit tener per Grand Serjeantie ne per *Petit Serjeantie*, si non del Roy. Veies le Stat. 12. Car. 2. cap. 24.

Piccage.

Piccage (*Picciagium*) est le payment des deniers, ou les deniers pales, par le Infrinder del soile p crester Tenis ou Setties en Faires.

Picke ou Pisle.

Picke ou Pisle, semb' de ven del Italian *Piccolo*, *Parvus*, & signifie ouesq; nous un Petit Close ou Inclosure.

Pillory.

Pillory est u Engine, d's penance ordela p le statute de 31 H. 3. p le punisment des Pistoris; mes a ore use p plusieurs autres Offendors. Et est appel en Latine *Collisfrigium*.

Petit Serjeantie.

TO hold by *Petit Serjeantie* is as if a man held Lands or Tenements of the King, yielding him a Knife, a Buckler, an Arrow, a Bow without string, or other like Service, at the will of the first Pessor; and there belongs not Ward, Marriage or Relief. And mark well, that a man may not hold by Grand or *Petit Serjeanty*, but of the King. See the Stat. 12. Car. 2. cap. 24.

Piccage.

Piccage is the payment of money, or the money paid for the breaking of the ground to set up Booths and Standings in Fairs.

Picke or Pisle.

Picke, or Pisle, seems to come from the Italian *Piccolo*, *Parvus*, and signifies with us a little small Close or Inclosure.

Pillory.

Pillory is an Engine of punishment ordained by the Statute of 31 H. 3. for the punishment of Bakers; but now used for many other Offendors, and is called in Latine *Collisfrigium*.

Pipowders.

Pipowders is a Court which is incident to every Fair, for the determination of differences upon Bargains and Disorders therein. See more heresof Crom. Jurisd. fol. 229. Coke, lib. 10. fol. 73.

Piscary.

Piscary is a Liberty of fishing in another mans Waters, or his own.

Placard.

Placard is a Word used in the Statutes of 33 H.8. cap.6. & 2 & 3 Mar. cap.9. and it signifies a Licence to use unlawful Games, or to shoot in a Gun.

Plaintiff.

Plaintiff is he that sues or complains in an Assise, or in an Action personal; as in an Action of Debt, Trespass, Disceit, Detinue, and such others.

Pledges.

Pledges are Sureties either real or formal which the Plaintiff finds to prosecute his suit.

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Placard is a word used in the Statutes of 33 H.8. cap.6. & 2 & 3 M. cap.9. and it signifies a Licence to use unlawful Games, or to shoot in a Gun.

Plaintiff.

Plaintiff is he that sues or complains in an Assise, or in an Action personal; as in an Action of Debt, Trespass, Disceit, Detinue, and such other.

Pledges.

Pledges are Sureties either real or formal which the Plaintiff finds to prosecute his suit.

Pipowders.

Pipowders est un Court que est incident a chesc' Fair, p' le determination de differences sur contract & tous disorders en c' commise. Veles plus de ceo *Cromp. Jurisd.* fol. 229. *Coke*, lib. 10. fol. 73.

Piscary.

Piscary est un Liberty del Pischer en le ewe dun autre, ou de soy mesme.

Placard.

Placard est un parol use en les Statutes de 33 H.8. cap.6. & 2 & 3 M. cap.9. & signifie un Licence pur user illoyal Games, ou de shooter en un Bombarde.

Plaintiff.

Plaintiff est celuy que sue ou complain en un Assise, ou en un Action Personal, come en un Action de Det, Trespas, Disceit & Detinue, & ciels semblables.

Pledges.

Pledges sont Sureties ou real ou formal queux le Plaintiff trouve a prosecute son suit.

Pleading.

PLeadings sont tous Acts del Parties al Suits apres le Count ou Declaration; n'osement ceo que est containe en le Barr, Replicat', & Rejoynd, & non ceo contein en le Count m: & p ceo Defaults e le matt' del Court ne sont comprise deins *Mispleading*, ou insufficient Pleading, ne sont remede per le Statute de *Josfailes*, 32 H.8. mes solemt ceo *Mispleading* ou insufficient Pleading commit en le Barre, Replication, & Rejoynder, sont la provide. Mes veles ceux ore remedies per le Statute 18 *Eliz. cap. 13.*

Plenartie.

PLenartie est qnt un Benefice est *plene*, directmt opposite al *Vacation*, q signifie l'avoidance d' un Benefice. *Stamf. Prerog. cap. 8. fol. 32.*

Plevyn, See Replevyn.

Pluralities.

Pluralities sont ou Vicar ou Rector avoit deux ou plusors Ecclesiastical Benefices porquel vide Statute, 21 H.8. cap. 13.

Pleading.

PLeadings are all the Sayings of the parties to Suits after the Count or Declaration; namely, that which is contained in the Bar, Replication, and Rejoynder; and not that contained in the Count it self; and therefore defaults in the matter of Count are not comprised within *Mispleading*, or insufficient Pleading, nor are remedied by the Statute of *Josfailes*, 32 H.8. but only the *Mispleading* or insufficient Pleading committed in the Bar, Replication and Rejoynder, are there provided for. But see those now remedied also by the Statute of 18 *Eliz. cap. 13.*

Plenartie.

PLenartie is, when a Benefice is full, directly contrary to *Vacation*, which signifies the being void of a Benefice, *Stamf. Prerog. cap. 8. fol. 32.*

Plevyn, See Replevyn.

Pluralities.

Pluralities are where a Vicar or Rector has two or more Ecclesiastical Benefices, for which see Stat. 21. H. 8. cap. 13.

Policy of Assurance.

Policy of Assurance is a course taken by Merchants for the assuring of their Adventures upon the Sea, by giving a certain proportion in the Hundzed for securing the safe return of the Ship, and so much Merchantize as is agreed upon. And of this you may read in the Statute of 43 Eliz. cap. 12.

Upon which an Action lies at the common Law, or in the Court (by the Kings Patent) sitting at the Royal Exchange in London, the Judges of which are Civilians, common Lawyers and Merchants.

Pone.

Pone is a Writ whereby a Cause depending in the County-Court is removed into the Common-Pleas. See for this Old N.B. fol. 2. a.

Pontage.

Pontage is a word mentioned in many Statutes: as in Westm. 1. cap. 25. H. 8. cap. 9. & 39 Eliz. cap. 24. and it signifies sometimes the Contribution that is gathered for the Repairing of a Bridge; sometimes the Toll paid by the Passengers to that purpose.

Portgreve, See Viscount

Policy del Assurance.

Policy del Assurance est un course prise p Merchants pur l' assurer des leur Advetures sur le Mer, p donner un certain proportion p centum pur le securer del safe retour del Neife & tant des Merchandizes sur que est agree. Et de ceo poies lier e le Statute de 43 Eliz. cap. 12.

Sur quel un Action gist al common Ley ou en le Court (p liceses Patents le Roy) seant a le Royal Exchange en Londre, les Judges de quel sont Civilians, Common Lawyers & Merchants.

Pone.

Pone est un Brief per que un Case q depend en le County-Court est remove en le Common Pleas. Veies pur ceo Veil. N.B. fol. 2. a.

Pontage.

Pontage est un parol mention en divers Statutes: com e Westm. 1 cap. 25. H. 8. cap. 9. & 39 Eliz. cap. 24. & signifie als folz le Contribution collect pur le Reparation dun Pont; alsun folz le Tolle pay per passagers a ceo purpose.

Portgreve, Veies Viscount.

Port-

Portmoot.

Portmoot est un parol use en le Statute de 43 Eliz. c. 15. & signifie un Court tenu en un Port-ville.

Possessio Fratris.

Possessio Fratris, est ou un home ad firs & file per un venter, & un firs per au- ter venter, & morust, le pri- mer firs enter & devy sans Hue, la file avera la terr' cõe heir a son frere coment q̃ le second firs est heir a son pere. *Litt. Sect. 8.*

Possession.

Possession est deux voies; ou actual, ou en Ley.

Actual Possession est, quant un home enter en fait en Ter- res ou Tenements a luy dis- cende, ou autrement.

Possession en Ley est, quant Terres ou Tenements s'or dis- cende al un home, & il nad uncore rentment, actualment, & en fait enter en cur. Et il est appell' *Possession en Ley*, par ceo que en le oiel & con- sideration del Ley il est pense d'est en Possession, enant que il est Tenue a cheus Actis que ale' voist fier concernant meism les T'es ou Tenements.

Portmoot.

Portmoot is a word used in the Statute of 43 Eliz. cap. 15. and signifies a Court kept in a Haven-Colon.

Possessio Fratris.

Possessio Fratris, is where a man hath a son and a daugh- ter by one Woman, and a son by another Wenter, and dies; the first son enters and dies without Issue, the daughter shall have the Land as heir to her brother, although the second son is heir to the father. *Litt. Sect. 8.*

Possession.

Possession is twofold; either actual, or in Law.

Actual Possession is, when a man actually enters into lands or tenements to him descended, or otherwise.

Possession in Law is, when Lands or Tenements are de- scended to a man, and he hath not as yet really actually, and in Deed entered into them. And it is called Possession in Law, be- cause in the eye and considera- tion of the Law he is deemed to be in Possession, since he is Ten- ant to every mans Action that will sue concerning the same Lands or Tenements.

Post diem.

Post diem is the Return of a writ after the day assigned for its Return.

Postdisseisin.

Postdisseisin. Look for that betwixt in the Title Assise.

Postea.

Postea is the Record of the proceedings upon a Trial by a writ of Nisi prius, which is returned after the Trial by the Judge before whom it was tried into the Court where the first Suit began, to have Judgment there given upon the Verdict: and it is called the Postea, because it begins with Postea dic & loco, &c.

Poundage.

Poundage is a Subsidy on the value of 12 d. in the pound, which is granted to the King by every Merchant, as well Denizen as Alien, by all manner of Merchandize carried out and brought in. And of such Subsidies see the Statute 1 & 2 Ed. 6. cap. 13. & 1 Jac. cap. 33. & 14 Car. 2. cap. 24.

Also by Stat. 29 El. cap. 4. every Merchant is allowed poundage for levying Debt or Damages by Execution.

Post diem.

Post diem est le Retour d'un Brief apres le jour assigné p le Retourne de ceo.

Postdisseisin.

Postdisseisin. Vide de ceo devant en le Title Assise.

Postea.

Postea est le Record des proceedings sur un Trial per un Brief de Nisi prius que est retourné apres le Trial per le Judge devant que suit trié en le Court ou l'Action primerment commence, daver Judgement la done sur le Verdict: & est appelle le Postea pur ceo que, &c.

Poundage.

Poundage est un Subsidy al value de duodize deniers en le livre, q est grant al Roy p chescun Merchant cy-bie Denizen &e Alien, p tous manners des Merchandizes exports & imports. Et des tels Subsidies veies le Statutes de 1 & 2 E. 6. c. 13. & 1 Jac. c. 33. & 14 Car. 2. c. 24.

Auxi p le Statute de 29 El. cap. 4. chescun Viscount est allow poundage p levier Debt ou Damages p Execution.

Pounds.

Pounds.

Pounds sont en deux sorts ;
l'un Pound overt, le autre
Pound close.

Pound overt est chescun lieu
en que un Distresse est mis,
soit ces common Pound, ou
Back-side, Court, Yard, Pa-
sture, ou autrement queuncq;
lou le owner del Distresse poit
venir a doner eux viand sans
offence pur lour estiant la, ou
survenir la.

Pound close est tiel lieu lon
le owner del Distresse ne poit
venir a doner eux viand sans
offence; come en un Close
meason, ou queuncque autre
lieu.

Preamble.

Preamble ad son nomme de
le preposition (*præ*) de-
vant, & le verb (*ambulo*) pur
vair; issint joynt ensemble, ils
sont un compound verb (*præ-ambulo*)
si vair devant; & de
ceo le primer pt ou comence-
ment de un Act est appelle le
Preamble de le Act, le quel est
un clisse de overer les mens
del seafors del Act, & les mis-
chiefs que ils entende de re-
medle per ceo. Come p exam-
ple, le Statute fait al westm.
le primer, le 37 cap. que dou
Attaint, le Preamble de q est
issint: Pur ceo que alcuna
gens de la Terre doutant
meins faux Serement fait, q;

Pounds.

Pounds are in two sorts; the
one Pound open, the other
close.

Pound open, is every place
wherein a Distress is put, whe-
ther it be common Pound, or
Back-side, Court, Yard, Pa-
sture, or else whatsoever where-
to the Owner of the Distress
may come to give them meat,
without offence for their being
there, or his coming thither.

Pound close is such a place
where the owner of the Distress
may not come to give them
meat without offence; as in a
Close house, or whatsoever else
place.

Preamble.

Preamble takes his name of
the preposition (*præ*) before,
and the verb (*ambulo*) to go;
so joynted together, they make
the compound verb (*præambulo*)
to go before; and herof the first
part or beginning of an Act is
called the Preamble of the Act,
which is a key to open the
minds of the makers of the Act,
and the mischiefs which they
intend to remedy by the same.
As for example, the Statute
made at Westm. the first, the 37
chap. which gives an Attaint,
the Preamble of which is thus:
Forasmuch as certain people of
the Realm doubt very little to
give false Verdicts or Oaths,
which

which they ought not to do, whereby many people are disinherited, and lose their right; It is provided, &c.

faire ne dussent, per que multes des gens sont desherites, & perdent leur droit Purvey, &c.

Prebend and Prebendary.

Prebend & Prebendary.

Prebend and Prebendary are terms often used in our Books, and they come of the Latine (*præbæ*) Prebend is that portion which every member of Canon of the Cathedral Church receives in right of his place for his maintenance: and Prebendary is he that hath such a Prebend.

Prebend & Prebendary sont parols plusieurs fois asés en nre Livres, & ils velgnont del Latine (*Præbæ*) Prebend est ceo part ou portion que chescun member ou Canon dun Cathedral Esglise receve en le droit son lieu pur son maintenance: & Prebendary est cestuy q avoit tiel Prebend.

Præcipe or Præcipe in capite.

Præcipe ou Præcipe in capite.

Præcipe in capite is a Writ that lies where the Tenant holds of the King in chief as of his Crown, and he is despoised, that is, put out of his Land; then he shall have this Writ, and it shall be Close, and shall be pleaded in the Common Pleas.

Præcipe in capite est un Brief que gist lou le Tenant tient del Roy en chiefe come de sa Corone, & il est desforce, cest adire, ouste de son Terre; donques il avera cest Brief, & il serra Close, & serra plede en le Common Banke.

Also if any Tenant that holds of any Lord be despoised, it behoves him to sue a Writ of Right Patent, which shall be determined in the Lords Court. But if the Land be holden of the King, the Writ of Right Patent shall be brought to the Kings Court: and the Writ may be removed from the Lords Court unto the County by a Tolt, and from the County

Auxy si aucun Tenant que tient de aucun Seignior soit desforce, luy convient suer Brief de Droit Patent, que serra determine en le Court le Seignior. Mes si le Terre soit tenu del Roy, le Brief de Droit Patent serra port al Court le Roy: & cest Brief polt estre remove de la Court de Seignior en le Countie per un Tolt, & de le Countie en

en Common Banke per un Pont. Ideo veies devant Titulo Droit.

Præcipe.

PRæcipe sont de divers sorts, Quod reddat terras, come dower, formedon, &c. debitum, bona & catalla. Quod teneat conventionem, Quod faciat sciam ad molendinum, Quod permittat, &c.

Præignotary.

PRæignotary est compound des deux parol' *Latinois* (*pra* & *Notarius*;) & est use en nostre Ley pur le chief Clerks des Courts le Roy, dont la est un e Bank le Roy, & trois en le Common Bank, Cestuy en Bank le Roy record tous Actions Civils faci en ceo Court: & ceux el Common Banke inrolle tous Declarations, Pleadings & Judgments, & sont hors tous Judicial Briefs, ils inrolle tous Fines & Recognisances, & exemplifient tous Records in le Term devant q; les Rolles sont bail hors de leur mains. En 13 E. 4. 26 b. cest Officer est appel Præignotary: Et un des trois e Common Bank, Præignotary pauperum.

into the Common Place by a Pont. Look therefore before in the Title Droit.

Præcipe.

PRæcipe are of divers sorts: Quod reddat terras, as dower, formedon, &c. debitum, bona & catalla. Quod teneat conventionem, Quod faciat sciam ad molendinum, Quod permittat, &c.

Præignotary.

PRæignotary is compounded of two Latine words (*pra* and *Notarius*;) and is used in our Law for the chief Clerks of the Kings Courts, whereof there is one in the Kings Bench, and three in the Common Pleas. He in the Kings Bench records all Actions Civil and in that Court: and they of the Common Pleas inrol all Declarations, Pleadings, and Judgments, and make out all Judicial Writs, they Inroll all Fines and Recognisances, and exemplifie all Records the same Term before the Rolles are delivered out of their hands. In 13 E. 4. 26 b. This Officer is called Præignotary: And one of the three in the Common Bench, Præignotary pauperum.

Premises

Premisses.

Premisses.

Premisses. See Habendum.

Premisses. Veies Habendum.

Præmunire.

Præmunire.

PRÆMUNIRE is a Writ that lies where any man sues another in the Spiritual Court for any thing that is determinable in the Kings Court; for which great punishment is ordained by divers Statutes; viz. that he shall be out of the Kings protection, and put in Prison without Bail or Mainprise, till he have made Fine at the Kings Will, and that his Lands and Goods shall be forfeited if he come not within two months. And his Advisors, Procurators, Attorneys, Executors, Notaries and Maintainers, shall be punished in the same manner. Therefore look the Statute.

Also some say, if a Clerk sue another man in the Court of Rome for a thing Spiritual, where he may have remedy within the Realm in the Court of his Ordinary, that he shall be within the case of the Statute.

And upon divers other offences is imposed by Statutes lately made, the Penalty that they incur who are attainted in Præmunire: As by 13 Eliz. cap. 8. they who are aiding to make a corrupt Bargain wherupon

PRÆMUNIRE est un Brief qui gist lou aucun home sue aucun autre à Court Chrétien pur aucun chose que est determinable en le Court le Roy; par quel grand punishment est ordain per plusieurs Statutes; cestàscavoir, que il sera hors de protection le Roy, & mis en prison sans Baile ou Mainprise, tanque il ad fait Fine al volant le Roy, & que ses Terres & chateaux seront forseits si il ne veigne deins deux mois. Et son Proviseurs, Procurators, Attornies, Executors, Notaries, & Maintainers, seront punish en mesme le manner. Ideo vide Statutum.

Auxy alguns dient, que si un Clerke sue autre home en Court de Rome pur chose Spiritual, lou il poit aver remede deins cest Realm en Court son Ordinarie, que il sera en le case de le Statute.

Et sur divers aut's offences est impose, par Statutes depuis fait, le penaltie qui eux incurre queux seront attaints en Præmunire: Come per 13 El. cap. 8. ceux que aidont a faire corrupt Bargain, sur que U-
surie

forie est reserve ouster 10 l.
en le Hundred pur l'an &c.

Usury is reserved above x. l. in
the hundred for a year, &c.

Prender.

Prender est Potestas aut jus
quicquid accipiendi ante-
quam offertur; a Francois
prendre, i. accipere.

Prescription.

Prescription est, quant un
person claime asc' chose,
pur ceo que il, ses An-
cestors ou Predecessors, ou eux
que Estare il ad, ont ew ou
use ceo dont nul memorie
curt al contrary.

Mes un ne poit p'scribe en-
counter un Statute, si non que
il ad autre Statute que serve
pur luy.

Presentment.

Presentment est æquivocum.
L'un est al Esglise: comẽt
quant ascun home ad
droit a doner ascun Benefice
Spiritual, & noime le p'son al
Evesque a q; il voet le doner,
& fait un Letter al Evesque
pur luy, ceo est un *Presentati-*
on ou *Presentment*. Si divers
Cohelrs ne poyent accorder
en *Presentment*, le *Presentee*
de l'esglise serra admittre. Mes
si Joyntenants & Tenants en
common ne accordant deins
les size moys, l'Evesque pre-
sentera per laps.

L'autre est un *Presentment*

Prender.

Prender is the power or right
of Taking a thing before it be
offered; from the French
prendre, i. accipere.

Prescription.

Prescription is, when a Man
claims any thing, because
he, his Ancestors or Prede-
cessors, or they whose Estate he
hath, have had or used it all the
time whereof no memory is to
the contrary.

But one may not prescribe
against a Statute, except he
have another Statute that
serves for him.

Presentment.

Presentment is of two signifi-
cations. One is to a Church;
as when a man hath right
to give any Benefice Spiritual,
and names the person to the
Bishop to whom he will give
it, and makes a Writing to the
Bishop for him, that is a *Pre-*
sentation or *Presentment*. If di-
vers Cohelrs cannot agree in
Presentment, the *Presentee* of
the eldest shall be admitted. But
if Joyntenants and Tenants
in common agree not within six
moneths, the Bishop shall pre-
sent by lapse.

The other is a *Presentment* of
In-

Information by a Jury in a Court, before any Officer who hath Authority to punish any offence done contrary to the Law.

ou Information p aucun Juri-
rie en un Court, devant asc'
Officer la q' ad autorite de
punisher asc' offence fair con-
trarie al Ley.

Pretensed Right or Title.

Pretensed Droit ou Titre

Pretensed Right or Title is, where one is in possession of Lands or Tenements, and another who is out, claims it, and sues for it: now the pre-
tensed Right or Title is said in him who so doch sue & claim. And if he afterward come to the pos-
session, his Right or Title is annexed to the Land and possession, and not then called Right.

Pretensed Droit ou Titre est, sou un est en possession de Terres ou Tenements, & un auter que est hors claime ceo, ou sue pür ceo: ore le
pretensed Droit ou Titre est dit en luy que issint sue ou claimé. Et si il plus vient a le posses-
sion, son Droit ou Titre est an-
nexé al Terre & possession, & nleir donque appel Droit.

Primer Seisin.

Primer Seisin.

Primor Seisin is used in the Common Law for a branch of the Kings Prerogative, by which he hath the first pos-
session, that is, the intire Pro-
fits for a year of all the Lands and Tenements whereof his Tenant (that held of him in capite) died seised in his Demesne as of Fee, his Heir then being at full age: and thus the King takes in lieu of the intire Profits which he may take, if he will, until Livery be sued, or at the least rendered. Prerog. Reg. c. 3. & Stat. I. 11. B. **See the Stat.**
12 Car. 2. c. 24.

Primor Seisin est use en le Cōmon Ley p un branch del Prerogative le Roy, p que il ad le Primr possession, cestàscavoir, les intire Profits p un an des routs les Terres & Tenements dont son Tenant (q; tenu de luy & chilef) mor-
rust seisse en son Demesne cōe de Fee, son Heire adonq; este-
ant d plein age: & c' le Roy prist en lieu des intire Profits queux il poit pnder, sil volt, tanques Liverie soit sue, ou al meins render. Prerog Reg. c. 3. & Stat. f. 11. B. Veles
le Stat. 12 Car. 2. c. 24.

Na

Prisage.

Prisage.

Prisage est ceo part ou portion que appartient al Roy hors des tiel Merchandises queux sont prises al Mer p voy le loyal Prise. Et cest parol vous trovers en le Statute 31 Elix. 6. 5.

Prisage des Vins.

Prisage des Vins, mention e le Stat. 1 H. 8. c. 5. est u custome p quele Roy hors chesc Barke lade ove Vins, fourth 20 Tun, claime d'aver deux Tun a son prise demesne.

Privie, ou Privities.

Privie ou Privities est, l'on un Lease est fait a tener a volonte, p ans, p vie, ou un Feoffment en fee, & en divers autres cases; ore p cause d ceo q ad passe penter ceux parties, ils sont appellus Privies, en respect de strangers, penter queux nul del conveyances ad estre.

Auxy si soit Seignior & Tenant, & le Tenant tient del Seignior per certaine Service, il y ad un Privie penter eux, p cause d Tenure: & si le Tenant soit disseise p un estranger, il ad nul Privie penter le Disseisor & le Seignior, mes le Privie uncore demurt penter le Seignior & le Tenant que est

Prisage.

Prisage is that part or portion that belongs to the King of such Merchandizes as are taken at Sea by way of lawful Prise. And this word you shall find in the Statute of 31 Elix. cap. 5.

Prisage of Wines.

Prisage of Wines, mentioned in the Stat. 1 H. 8. c. 5. is a custom by which the King out of every Barke laden with wine under 20 Tun, claime to have two Tun at his own price.

Privie or Privities.

Privie or Privities is, where a Lease is made to hold at will, for years, for life, or a Feoffment in fee, and in divers other cases; now because of that hath passed between these parties, they are called Privies in respect of strangers, towards whom no such Conveyances have been.

Also if there be Lord and Tenant, and the Tenant hold of the Lord by certain Service, there is a privie between them, because of the Tenure; but if the Tenant be disseised by a stranger, there is no Privie between the Disseisor and the Lord, but the Privie still remains between the Lord and the Tenant that is disseised, and

the Lord shall abate upon him, for that he is his Tenant in right, and in Judgment of the Law.

Privies are in divers Sorts; as namely, Privies in Estate, Privies in Deed, Privies in Law, Privies in Right, and Privies in Blood.

Privies in Estate is, where a Lease is made of the Mannor of Dale to A for life, the Remainder to B in fee; there both A and B are Privies in Estate, for their Estates were both made at one time.

And so it is in the last case here, where a Lease is made at will, for life, or years, or a Feoffment in fee, the Lessee or Feoffee are called Privies in Estate, and so are their Heirs, &c.

Privies in Deed is, where a Lease is made for life and afterwards by another Deed the Reversion is granted to a stranger in fee, this Grantee of the Reversion is called Privy in Deed, because he hath the Reversion by Deed.

Privy in Law is, where there is Lord and Tenant, the Tenant leases the Tenancy for life, and dies without Heir, and the Reversion escheats to the Lord; he is said Privy in Law, because he hath his Estate only by the Law, that is to say, by Escheat.

Privy in Right is, where one possessed of a Term for years grants his Estate to another upon Condition, and makes his

disseise, & le Seignior avowra sur luy, p. ceo q; il est son Tenant en droit, & en le Judgment del Ley.

Privies sont en divers sorts, come nolement, Privies en Estate, Privies en Fait, Privies en Ley, Privies en Droit, & Privies en Sanke.

Privies en Estate est, lou un Lease est fait del Mannor de Dale, al A p vie, le Remainder al B en fee; la & A & B sont Privies in Estate, car leur Estates sunt faits ambideux al un temps.

Ecissint est en le prim case cy, ou un Lease est fait al volant, pur vie, ou ans, ou un Feoffment en fee, les Lessees ou Feoffees sont appels Privies en Estate, & issint sont leur Heirs, &c.

Privies en Fait est, lou un Lease est fait pur vie, & ap p un autre Fait le Reversion est grant al un stranger en fee, cest Grantee del Reversion est appel Privies en Fait, pur ceo que il ad le Reversion p Fait.

Privies en Ley est, lou il est Seignior & Tenant, le Tenant lessa le Tenance p vie, & morust sans Heir, & le Reversion escheat al Seignior; il est dit Privies en Ley, p. ceo que il nad son Estate soleint per le Ley, cest adire, per Escheat.

Privies en Droit est, lou un possesse d' un terme pur ans grant son Estate al un autre sur Condition, & fait ses Ex-

cutors, & morust; ore ceux Executeurs s'ot Privies en drois; car si le Condition soit enfrenint, & ils entrent en le Tfe, ils averont ceo e le droit de leur Testator, & a son use.

Privie de Sank est l' Heir de le Feoffor ou Donor, &c.

Item si un Fine soit levie, les Heires de celuy que levie le Fine sont appel Privies.

Privileges.

Privileges sont Liberties & Franchises grant al un Office, Lieu, Ville, ou Manor per le grand Charter del Roy, Letters Patents, ou Act de Parliamēt : cōc Toll, Sake, Socke, Infangtheefe, Outfangtheefe, Turne, Ordels, & divers tielx, semblables; p̄ quoz veies en leur pper Titles & lieux.

Auxi sont auters Privileges d'ont le Ley prist cognuzance cest ascavoir, les Privileges des Commons, & Peers del Parliamēt, & privileges des Attorneys & Officers des Courts a Westm. q̄ ils ne serront sue ou implead en auter Court, q̄ en ceux ou ils sont Attorneys ou Officers.

Procedendo.

Procedendo est un Brief que gist lou ascun Action est sue en un Court, que est remove a un plus hault, cōc al Chancerie, Banke le Roy,

Executors, and dies; now these Executors are Privies in Right; for if the Condition be broken, and they enter into the Land, they have it in right of their Testator, and to his use.

Privy of Blood is the Heir of the Feoffor, or Donor, &c.

Also if a Fine be levied, the Heirs of them that levied the Fine are called Privies.

Privileges.

Privileges are Liberties and Franchises granted to an Office, Place, Town, or Manor by the Kings great Charter, Letter Patents, or Act of Parliament: as Toll, Sake, Socke, Infangtheef, Outfangtheef, Tourne, Ordelse, and others such like; for which look in their proper titles and places.

Also there are other privileges which the Law takes notice of, that is to say, the privileges of the Commons & Peers of the Parliament, the privileges of Attornies & Officers of the Courts at Westm. that they shall not be sued or impleaded in another Court, but in that where they are Attornies or Officers.

Procedendo.

Procedendo is a writ that lies where any Action is sued in one Court, which is removed to another more high, as to the Chancery, Kings Bench,

of Common Place, by a Writ of Privilege, or Certiorari: and if the Defendant, upon the matter shewed, have no cause of Privilege, or if the matter in the Bill whereupon the Certiorari issued be not well proved, then the Plaintiff shall have this *Procedendo*, to send again the matter unto the first base Court, there to be determined.

Proces.

PROCES are the Writs and Precepts that go forth upon the Original. And in Actions real and personal there are sundry sorts of Proces: For in Actions real the Proces is Grand Cape before Appearance: Therefore see of that in the Title Petit Cape.

But in Actions personal, as in Debt, Trespass, or Detinue, the Proces is a Distress: and if the Sheriff return *Nihil habet in Balliva*, &c. then the Proces is Alias Capias, and Pluries and an Exigent; and they are called Capias ad respondendum. Also the Exigent shall be proclaimed five times; and if the party do not appear, he shall be outlawed. But in divers Actions there are divers manners of Proces, which at large is declared in N. B.

And there are others other Proces after Appearance, when the parties are at Issue, to make the Enquest appear: as a Writ of *Venire facias*; and if they do not appear at the day, then a

ou Common Banke, per Brief de Privilege ou Certiorari: & si le Defendant, sur le matter monstre, n'ad cause de Privilege, ou si le matter en le Bill sur q; le Certiorari issu ne soit bien prove, donques le Plaintiff avera cest *Procedendo* pur remander le matter al primer base Court, la destre determine.

Proces.

PROCES sont les Briefs & Precepts que issuent sur l'Original. Et en Actions real & personal sont divers sorts de Proces: Car en Actions real le Proces est Grand Cape d'avant Appearance: Ideo vide de ceo en le Title Petit Cape.

Mes en Actions personal come en Dette Trespasse, ou, Detinue, le Proces est un Distresse: & si le Sheriff return *Nihil habet in Balliva*, &c. donques le Proces est Alias Capias & Pluries, & un Exigent; & ils sont appellees Capias ad respondendum. Auxy le Exigent sera cinque fois proclamé; & si le partie n'appare, il sera outlawé. Mes en divers Actions sont divers manners de Proces, que est plus alarge declare en N. B.

Auxy sont divers autres Proces apres Appearance, quant les ptes sont al Issue, pur faire l'Enquest appearer: come un *Venire facias*; & s'ils ne appearont al jour, donques

un Briefe de Habeas corpus Jurat & apres un Brief de Disfringas Jurat.

Auxy sont divers autres Proces apres Jugement; come *Capias ad satisfaciendum*, & *Capias utlagatum*, &c.

Capias ad satisfaciendum gist lou home est condempné en ascun Det ou Damages donques il sera arresté par cest Brief, & mis en prison sans Bail ou Mainprise, tanque il ad pay le Det & les Damages.

Capias utlagatum gist lou un est outlawé, donques il sera prise par tiel Brief, & mis en prison sans Baile ou Mainprise, & ceo que il ad fait contemp enconter le Ley.

Auxy sont autres Proces & Briefs judiciaux, come *Capias ad valentiam*, *Fieri facias*, *Scire facias*, & plusieurs autres: & ideo vide c' en nos Titles.

Prochein amy.

Prochein amy est communement prise par Gardian en Socage, & est lou un home seisié de Terres tenus en Socage morant, son issue deus age de 14 ans, donques le prochein d'amy, & que les Tres ne poient descendre, a vera le gard del Heire, & del Terre, al use solest del Heire tanque il vient al age d' 14 ans; & donques le Heire poit enter, & luy ouste, & accomplir le Ley de accomplir:

Writ of Habeas corpus Jurat, and after a Writ of Disfringas Jurat.

And there are divers other Proses after Judgment; as *Capias ad satisfaciendum*, and *Capias utlagatum*, &c.

Capias ad satisfaciendum lies where a man is condemned in any Debt or Damage; then he shall be arrested by this Writ, and put in Prison without Bail or Mainprise, till he hath paid the Debt and the Damages.

Capias utlagatum lies where one is outlawed, then he shall be taken by this Writ, and put in Prison without Bail or Mainprise, so that he had the Law in contempt.

And there are other Proses and Writs Judicial, as *Capias ad valentiam*, *Fieri facias*, *Scire facias*, and many other: and therefore look for them in their Titles.

Next friend.

Next friend is commonly taken for Gardian in Socage, and is where a man seized of Land holden in Socage dies, his issue within age of 14 years, then the next friend, or next of kin, to whom the Lands cannot descend, shall have the keeping of the Heir, and of the Land, to the only use of the Heir until he come to the age of 14 years; and then he may enter, and put the Gardian out, and bring him to account:

But

But in that Accompt he shall be allowed for all reasonable costs and expences bestowed either upon the Heir or his Land.

The next friend, or next of kin, to whom the Inheritance cannot descend, is thus to be understood: If the Land descend to the Heir from his Father, or any of the kin of his Fathers side, then the Mother, or other of the Mothers side, are called the next of kin, in whom the Inheritance cannot descend; for before it shall so descend, it shall rather escheat to the Lord of whom it is holden.

And where the Lands come to the Heir from his Mother, or any of her side, then the Father, or other of the Fathers side, are called the next of kin, in whom the Inheritance cannot descend, but shall rather escheat to the Lord of whom it is holden.

Otherwise Prochein amy is he who appears in any Court for an Infant who lues any Action, and aids the Infant to pursue his Suit: whereof see the Statutes of Westm. 1. cap. 47. and Westm. 2. cap. 15. that an Infant may not make an Attourney, but the Court may admit the next friend for the Plaintiff, and a Guardian for the Infant Defendant as his Attourney.

Mes en cest Accompt il a vera allowance p tous reasonable costs & expences bestowed ou sur le Heire ou son Terre.

Le Prochein amy, ou prochein de sanke, a que le Inheritance ne poit descend, est ainsi desiré entendre: Si les Terres descendent al Heire de son Pere, ou ascun del sanke del part son Pere, donques l' Mere, ou aut' del part l' Mere, sont appellee pchein de sanke, a q le Inheritance ne poit descend; car devant que il l' sint descendra, il plus tost escheat al Sür d' q; il est tenu.

Et sou les Terrès vient al Heire de sa Mere, ou ascun del sa part, donque le Pere, ou auter del part son Pere; sont appellee le prochein de sanke, a que le Inheritance ne poit descend, mes plus tost escheat al Seignior d que il est tenu.

Auterment Prochein Amy est celuy que appliert en ascun Court pur un Enfant que sue ascun Action, & que ayde le Enfant de pursuer son Suit: dont vide les Statutes de Westm. 1. c. 47. & Westm. 2. cap. 15. que un Enfant ne poit faire Attourney, mes le Court' poit admettre le prochein amy pur le Plaintiff, & un Guardian pur le Enfant Defendant cõe son Attourney.

Proclamation.

Proclamation est un Notice appertement done de ascū chose da que le Roy soi pleirot d' advertiser ses Subjects : issint il est *An. 7. R. 2. c. 6.*

Proclamation de Rebellion est un overt notice done p' l' Officer, que un home nient apparent sur un *Subpoena* ou attaché en le Chancery, sera reputé desirer un Rebel, sinon que il luy mesme render al jour assigné, *Crompt. Jurisd. fol. 92.*

Et est desiré observe, que nul poit faire Proclamation mes p' authorité del Roy, ou Majors, & hujusmodi que ont privileges en Cités ou Boroughs de ceo faire, ou ont ceo use per custome. Et pur c' ou un Executor fist *Proclamation* en certain Market-villes, q; les Creditors veigne- ra, p' certain jour, & claim & provera Jour deis due per le Testator, & pur ceo que il ceo fist sans authority, il suit commit al Fleet, & mise a un Fine. *Brooke Proclamation 10.*

Procurator.

Procurator est use pur luy q; collige les Fruits de un Benefice pur un autre home. *Anno 3 Ric. 2. Stat. 1. cap. 2.*

Proclamation.

Proclamation, is Notice publicly given of any thing whereof the King thinks good to adverte his Subjects : so it is used *Anno 7. R. 2. c. 6.*

Proclamation of Rebellion, is an open notice given by an Officer, that a man not appearing upon a *Subpoena* or Attachment in the Chancery, shall be reputed a Rebel, except he render himself at the day assigned. *Crompt. Jurisd. fol. 92.*

And it is to be noted, that no man may make Proclamation but by authority of the King, or Majors, and such like as have privileges in Cities and Boroughs so to do, or have it by Custom. And therefore where an Executor made Proclamations in certain Market-towns, that the Creditors should come by a certain day, and claim and prove their Debts due by the Testator, and because he did this without Authority, he was committed to the Fleet, and fined. *Brooke Proclamation 10.*

Procurator.

Procurator is used for him who gathers the Fruits of a Benefice for another man, *Anno 3 Ric. 2. Stat. 1. cap. 2.*

Pro-

Prohibition.

PROHIBITION is a Writ that lies where a man is impleaded in the Spiritual Court of a thing that touches not Matrimony, nor Testament, nor merely Ecclesies, but the Kings Crown. This Writ shall be directed as well to the party, as to the Judge, or his Official, to prohibit them that they pursue no farther. But if it appear afterward to the Judges temporal, that the matter is fit to be determined in the Spiritual Court, and not in the Court Temporal, then the party shall have a Writ of Consultation, commanding the Judges of the Court Spiritual to proceed in the first Plea.

Also there are many other Prohibitions to the Admiralty, and to other Courts of Common-Law if they exceed their power.

Propertie.

PROPERTIE is the highest Right that a man hath or can have to any thing, which no way depends upon another mans courtlesse: And this none in this Kingdom can be said to have in any Lands or Tenements, but only the King in right of his Crown, because all the Lands through the Realm are in nature of Fee, and hold mediately or immediately of

Prohibition.

PROHIBITION est un Brief q' gist lou hōe est emplede en Court Christian de chose q' ne touch Matrimonle, ne Testament, ne merement Dismes, mes l' Coron nōsif Seignior le Roy. Cest Brief serra direct auxy bien al pte, come al Judge, ou son Official, de eux prohibite q' ils ne pursue ouster. Mes s'il appere apres a les Judges temporal, que le matter est deslre determine en l'Spiritual Court, & nemy en le Court Temporal, donque le party aveh un B're de Consultation, commandant les Judges de le Court Splritual de proceeder en la primer Plee.

Auxi sont mults autres prohibitions, sicome al Admiralty, & la ascun Court de Common ley s'ils exceed leur poiar.

Property.

PROPERTY est le plus hault Droit q' hōe ait ou poit aver al asc' chose, q' riens depēd sur l' courtlesse d'asc' autre home: Et ceo nulluy en cest Realm poit estre dit daver en ascun Terres ou Tenemēts, fors q' solemt le Roy & le droit de son Corone, pur ceo que tous les Terres p' le Realm sont en le nature de Fee, & tiendront mediatement ou

ou Immediate^{ment} del Coron.
Cest parol nient obstant est
use pur tel droit e Terres &
Tenements q^{ue} comun p^{er}sons ont
en m. Es la sont trois maneres
de droitz de Property; cest-
a-savoir, *Property absolute*,
Property qualified, & *Property*
possessory. De lxx veles a large
Coke lxx. *Case de Swan*, f. 17.

Proprietary est celuy q^{ui} ad
Property en est chose:

Mes il est plus comun-
ment use pur luy que ad les
Profit d'un Benefice a luy &
ses Heirs; ou a luy m. & ses
Successors, eoe en t^{em}p^s par de-
v^{er} Abbot & Priors & others.

Protection est un Brief q^{ui}
g^{ra}nt lou home vo^{it} passer
ouster le mer in le service
le Roy, donq^{ue} il avera cest B^{re}f.

& p^{er} cest B^{re}f il serra quite de
tous maneres des Pleas enter
luy & aucun autre p^{er}son, ex-
cept Pleas de Dower, *Quare*
impedit, *Assise de Novel dissei-*
sin, *Writ de presentationis*, &
Arrests, & Pleas devant Ju-
stices en Eyre. Mes sont deux
B^{re}fs de Protection; un cum
clausula Volumus, & l'auter
cum clausula Nolumus, eoe ap-
p^{er}ient en le Register.

Mes Protection ne serra
allow en aucun Plec eoe
commencee devant le date de oco,

the Toton. This word ne-
theless is used for such right in
Lands and Tenements as
common persons have in the
same. And there are three man-
ner of rights of Property; that
is, Property absolute, Property
qualified, and Property possessory.
Of which see at large Coke, lib. 2.
Case de Swan, fol. 17.

Proprietary is he that hath a
Property in any thing; but

is most commonly used for
him who hath the Possession of a
Benefice to him and his Heirs,
or to himself and his Successors,
as in times past Abbots and
Priors had.

Protection is a Writ that lies
where a man will personer
the King in the Kings ser-
vice, then he shall have this
Writ, whereby he shall be quit
of all manner of Pleas between
him and any other person, ex-
cept Pleas of Dower, Quare im-
pedit, Assise of Novel disseisin,
Darein presentation and Arrests,
and Pleas before Justices
in Eyre. But there are two
Writs of Protection, one cum
clausula Volumus, and another
cum clausula Nolumus as appears
in the Register.

But a Protection shall not be
allowed in any Plea begun be-
fore the date of it, if it be not

in Voyages where the King himself shall pass, or other Voyages Royal, or in Messages of the King for affairs of the Realme. Nor shall a Protection be allowed for Mistake bought for the voyage whereof the Protection makes mention, nor in Pleas of Trespasse, or of Contracts made after the date of the Protection.

Note, that any may attach or begin any Action real against him that hath such Protection, and therein proceed, until the Defendant comes and shews his Protection in the Court, and hath it allowed; and then his Plea or Suit shall go without day. But if after it appears that the party who hath the Protection goes not about the affairs for which he hath it, then the Demandant shall have a Repeal thereof. And if he go, and return after the business ended, the Demandant shall have a Resummons to recontinue the former Suit.

Protection.

Protection is a form of Pleading, when any will not directly affirm, nor directly deny any thing that is alledged by another, of which he himself alledge. And it is in two sorts. One is, when one pleads any thing which he dare not directly affirm, or cannot plead for doubt to make his plea double: As if in conveying to himself a

si ne soit en Voyages ou le Roy mesme passa, ou autres Voyges royaux, ou en Messages le Roy pur besolignes de Realme. Protection ne serra allow pur Vitailles achates pur voyage dont le Protection fait mention, ne in Plees de Trespasse, ou de Contrasts fait puis le date de mesme le Protection.

Nota, que aucun poit attacher ou commercer aucun Action real vers cestuy q'aye tiel Protection, & en ces proceder, tanque le Defendant veigne & monstre son protection en le Court, & aye cec allow, & donque son plee ou Suit serra mis sans jour. Mes si aps il appierit que le party que ad le protection ne ala entour le besoigne pur que il ayt cec, donqs le Demandant avera un Repeal de cec. Et si il va, & return apres le besoigne finie, le Demandant avera un Resummons de recontinue le former Suit.

Protestation.

Protestation est un form de Pleading, que aucun ne vole directment affirmer, ne directment denier aucun chose q'il est alledge par auter, ou que il s'alledge. Et est en deux maners. L'un est, q'un pleade aucun chose que il ne oist directement affirmer, ou ne poit pleader pur doubt de fair son Plee double. Cōe si en conveying

veying a luy Title a ascun Terre, il doit pleader divers Discents p divers psons, & il n'osast affirmer que eux tous fueront seisis al tēps de leur mort, ou coment il ceo purroit, ceo serra double a plead deux Discents; de queux ambideux chescun per. luy poit estre bone Barr. Donques le Defendant doit pleader & alledge le matter, enterlacing cest parol *protestando*, come adire, que tici obiit (*protestando*) seisie, &c. Et ceo est destū alledge p Protestation, & nemy traversable p l'auter. Autre Protestatiō est, qū ū est de responder al deux choses, & tamen per le Ley il doit plead forsū; al un; doncs en le primer pt del Plee il dirra al un matter, *protestando*, & non *cognoscendo* cel matter estre voyer, & faire son Plee buster p ceux parols, *Sed pro placito dicit, &c.* Et ceo est pur salvation al partie (que issint plead p Protestation) destre conclude p asc' matter alledge ou object encounter luy, sur que il ne poit joynr issue; & trest auter chose mes un exclusion del Conclusion; car il que prist Protestation exclud' l'aut' ptie de cōcluser luy. Et cest Protestation doit estoyer ove le sequel del Plee, & nemy destū repugnat, ou autrement contrarie.

Title to any Land, he ought to plead others Discents by divers persons, and he dare not affirm that all they were seised at the time of their death, or although he could do it, it shall be double to plead two Discents; of both which each by it self may be a good Bar. Then the Defendant ought to plead and alledge the matter, interlacing this word *protestando*, as to say, that such a one died (by Protestation) seised, &c. And that is to be alledged by Protestation, and not to be traversed by the other. Another Protestation is, when one is to answer to two matters, and yet by the Law he ought to plead but to one; then in the first part of the Plea he shall say to the one matter, *protestando*, and non *cognoscendo* this matter to be true, and makes his Plea farther by these words, *Sed pro placito dicit, &c.* And this is for saving to the party (that so pleads by Protestation) the being concluded by any matter alledged or objected against him, upon which he cannot joyn issue; and is no other but an exclusion of the Conclusion; for he that takes the Protestation excludes the other party to conclude him. And the Protestation ought to stand with the sequel of the Plea, and not to be repugnant, or otherwise contrary.

Provendry.

PROVENDRY in the Church of Sarum, is called the lesser part of the Altar in the Church of St. Mary. 41 E. 3. 5. b.

Provision.

PROVISION is used with us as it is in the Common Law, for providing of a Bishop or other Ecclesiastical person of an Ecclesiastical Living by the Pope before the Incumbent of it be dead; the great abuse whereof appears by several Statutes that have been made from the time of E. 3. to the reign of H. 8. for the avoiding of such Provisions. Rast. Entries. Quare Impedit. Roy 17. 20.

Proviso.

PROVISO is a Condition inserted in any Deed, upon the performance whereof the validity of the Deed consists. Sometimes it is only a Covenant, whereof see Coke, lib. 2. in the Lord Cromwells Case. It hath also another Signification in matters judicial: as if the Plaintiff or Demandant desists from prosecuting an Action, and brings it not to Trial, then the Defendant or Tenant may take forth the Venire facias to the Sheriff, which hath in it these words, Proviso quod, &c. to this

Provendry.

PROVENDRY è l'eglise de Sarum est appel minor pars Altaris in ecclesia beate Maria Sarum, 41 E. 3. 5. b.

Provision.

PROVISION est use ovesq; nous com est è le Canon Ley, par le provider dun Evesq; ou autre Ecclesiastical perion dun Ecclesiastical Benefice p le Pape devât q l Incumbent de ceo soit mort; le grâd abuse d q appiert p plusieurs Statutes q ont esto faits en tous ages del temps. E. 3. tanque le reigne H. 8. per le avoid des tiels Provisions. Rast. Entr. Qua. Impedit Roy 17. 20.

Proviso.

PROVISO est un Cōdition insert en asc' Fait, sur le performance de q tout le vigour del Fait consiste. Ascun fois il solest èst è Covenant de que veies Coke lib. 2. en le Sir Cromwells Case. Il ad aux è aur signification è choses judicial: cōc si le Plaintiff ou demandant delaya de psecuter un Adō, & ne ceo port al Trial, donq; le Defendant ou Tenant pōt prendre hors le Venire facias al Viscount, que ad è ceo ceux parols, Proviso quod, &c. à cest fin,

fine, que si le Plaintiff prist hors aucun Bfe a cel purpose, le Viscount ne gainera forsque un Jurie sur eux ambideux, Veies *Vet. Nat. Br.* en le Bfe *Nisi prius*, fol. 159.

Provisors. Veies *Præmunire*.

Proxy. *Procuratio*.

Proxy. *Procuratio*, est un payment al Evesque per un Religious meason p les charges de son visitaçon de tiels measons, *Davies rep. 2.*

Purchase.

Purchase est le Possession q u hoc ad en Tres ou Tenements p son ast de mesme, meanes, ou agreemēt, & nemy p title de Discent d aucun de ses ancestors. Veies *Littl. l. 1. c. 1.*

Purlue.

Purlue est tout cest Terre pchein aucun Forrest, q estrest fait Forrest p Henry le second, Richard I^r primer, ou Jean le Roy, fuist p Perambulations grantus p Henry le tierces leys of aref del meisme *Mansward part 2. de ses Forrest Lays, c. 20.* Et semble q cest purlue est fait ou de purlue, ceo est perambulation; ou purlieu, ceo est, *purus locus*, p ceo que tiels Tres queux fueront, p ceux Roys subject

end, that if the Plaintiff takes out any writ to this purpose, the Sheriff shall summon but one Jury upon them both. See *Old Natura Brevium in the writ Nisi prius*, fol. 159.

Provisors. See *Præmunire*.

Proxy. *Procuratio*.

Proxy. *Procuratio* is a payment to a Bishop by a Religious house, for the charges of his visitation of such houses, *Davies rep. 2.*

Purchase.

Purchase is the Possession that a man hath in Lands or Tenements by his own act, means or agreement, and not by title of Discent from any of his Ancestors. See *Littl. l. 1. c. 1.*

Purlue.

Purlue is all that Ground near any Forrest, which being made Forrest by Henry the second, Richard the first, or King John, was by Perambulations granted by Henry the third recovered again from the same. *Mansward part 2. of his Forrest Lays, c. 20.* And it sheweth that this word is composed either of purlue, that is, to go or walk about; or purlieu, that is, a pure place, because such Lands as were by those Kings subject

ed to the Lawes and Ordinances of the Forreſt, are now cleared and freed from the ſame: And theſe ſort of Lands call'd Purlieu places, which are not ſubject to the Forreſt; ſometimes this may be called a purlieu place, becauſe it is exempted from the Forreſt and thraldom which was formerly hold upon it.

Purlieu man is he that hath Lands within the Purlieu, and being able to diſpoſe forty ſhillings by the year of freehold, is upon theſe two points licenſed to hunt in his own Purlieu. Manwood, part 1. p. 151. & 177. See now the Stat. made 1 Jac. 27.

Purpreſture.

Purpreſture is a word derived from the French Pourpre, which ſignifieth to take from another, and to appropriate to himſelf: and therefore a Purpreſture in a general ſenſe is taken for any ſuch wrong done by one man to another. Purpreſture in a Forreſt is every Encroachment upon the Kings Forreſt, ſo by Building, Impoſing, or taking of any liberty without a lawful warrant. See now the Stat. made 1 Jac. 27.

al Leys & Ordinances del Forreſt, ſont jammes ciere & franke del meſme: Come les Civiliens appel ceo purlieu places, qui ſont hors de la Forreſt, & ſont exemptes de la maner & pur ceo q' est exempt del Forreſt ou thraldom q' ſuſt panderant ſur ceo impoſe.

Purlieu home eſt ceſtuy que ad Ttes deins le Purlieu, & eſteant able a diſpender 40 ſoulz per l'an de Franktene. ment, eſt ſur ceux deux choſes licence de chaſer en ſon Purlieu demeurant. Manwood, part. 1. p. 151. & 177. Veies le Statute 1 Jac. 27.

Purpreſture.

Purpreſture eſt un carol de laquele ſe fait la Pourpre, q' ſignifieth de prendre del autre, & ſe approprier a luy meſme: & ſe eſt un Purpreſture e un general ſenſe eſt priſe ſe aſc tiel tort fait p un home al autre.

Purpreſture en un Forreſt eſt cheſcun Encroachment ſur le Forreſt le Roy, ſoit ceo per Edifier, Incluser ou prier d' aucun liberte ou privilege ſans un loyal garrant iſſint ſalec. Et de ceo veies Manwood, part. 1. p. 151. & 177.

Purveyors.

Purveyors fuer' anciens
Officers a prider Victu-
als par le Roy Quel office
est mention en Stat. 28 Ed. 1.
cap. 2. & 38 Ed. 4. cap. 6. &
14 Ed. 3. cap. 19. Mes est abo-
ly p Stat. 12 Car. 2. cap. 24.

Q

Quadrantata terra.

Quadrantata terra
est le quart part
d'un Acre.

Que plura.

Que plura est un Brieve
que gist en case l'ou le
Escheator ad trove un Office
virtute officii apres le mort
le Tenant le Roy, & n'ad
trove tous les T'fes des queux
il morust felfie, adques cest
B'fe issira 2 nature d'un Me-
lius inquirendo, p trover que
T'fes il avoit plurs. Veies
F.N.B. 255. a.

Purveyors.

Purveyors were ancient Of-
ficers to provide Victuals for
the King, which Office is
mentioned in the Statute, 28 E.
1. cap. 2. & 38 E. 4. cap. 6. & 14 E.
3. cap. 19. But it is abolished by
the Statute 12 Car. 2. cap. 24.

Q

Quadrantata terra.

Quadrantata terra is
the fourth part
of an Acre.

Que plura.

Que plura is a Writte that lies
in case where the Escheator
hath found an Office after the
death of the King's Tenant
virtute officii, and hath not
found all the Lands of which
he died seised; then this Writte
shall issue in nature of a Me-
lius inquirendo; to find what
Lands he had more. See F.N.B.
f. 255. a.

Quale

Quale jus.

Quale jus is a Writ that lies where an Abbot, Prior, or such other, should have Judgment to recover Land by Default of the Tenant against whom the Land is demanded; then before Judgment given, or Execution awarded, this Writ shall go forth to the Escheator, to enquire what right he hath to recover: And if it be found that he hath not right, then the Lord who should have the Land if the Tenant had aliened in Mortmain may enter as into Land aliened in Mortmain, for this losing by Default is like an Alienation. See the Stat. Westm. 2. c. 32.

But where one will give Lands to a House of Religion, an *Ad quod damnum* shall go forth to the Escheator, to enquire of what value the Land is, and what prejudice it shall be to the King.

Quare ejecit infra terminum.

Quare ejecit infra terminum is a Writ that lies where one makes a Lease to another for term of years, and the Lessor infeoffs another, and the Feoffee puts out the Termour; then the Termour shall have this Writ against the Feoffee. But if another stranger put out the

Quale jus.

Quale jus est un Brief qui gist lou aucun Abbot, Prior, ou tiels autres, averont Judgment de recouvrer l'Éc par le Default del Tenant vers qui la Terre est demandée; donc, devant judgment done, ou Execution agard, cest Bfe issira al Escheator, pour enquerir quel droit il ad a recouvrer: Et si soit trouve que il n'ad droit, donques le Seignior qui dult aver le Terre le Tenant ust alien en Mortmain pout entrer come en Terre alien en Mortmain, car cel perdre par Default est semble a un Alienation: Vide le Statute de Westm. 2. c. 32.

Mes lou un voille doner Terres al Meason de Religion, un *Ad quod damnum* issira al Escheator, pour enquerir de que value le Terre est, & quel prejudice il serra al Roy.

Quare ejecit infra terminum.

Quare ejecit infra terminum est un Bfe que gist lou un fait Lease a un autre pour terme d'ans, & le Lessor infeoffa un autre, & le Feoffee oustia le Termour; donques le Termour avera cest Brief vers le Feoffee. Mes si un autre estranger oust le

Ter.

Termour, donques il avera Brief *De ejedione firme* vers luy. Et en ceux deux Bfcs il recouvrera le terme & ses dammagés.

Termour, then he shall have a *Writ De ejedione firme* against him. And in these two *Writs* he shall recover the term and his dammagés.

Quare impedit.

Quare impedit est un Bfe que gist lou jco ay Advowson, & le Parson devie, & un autre present son Clerk, ou disturbe de presenter; donqs jco avera le dit Brief. Mes *Affise de darrein presentment* gist lou jco ou mon ancetors ount present devant. Et lou home poit aver *Affise de darrein presentment*, il poit aver un *Quare impedit*, mes nemy contrarie.

Auxy si l' Plée soit dependant enter deux parties, & ne soit discusse deins sixe moys, l' *Evq*; presentera per laps, & cestuy que ad droit de presenter recouvrera dammagés, come appiert per le Statore de *Westm. 2. c. 5.* Et si cestuy que ad droit de presenter aps le mort del Parson ne porta *Quare impedit*, ne *Darrein presentment*, mes suffer un estranger d'usurper sur luy, uncore il avera un Brief de Droit d' Advowson. Mes cest Brief ne gist si il ne clame d' aver le Advowson a luy & ses heirs en Fee.

Quare impedit.

Quare impedit is a *Writ* that lites where I have an Advowson, and the Parson dies, and another presents a Clerk, or disturbs me to present; then I shall have the said *Writ*. But *Affise de darrein presentment* lites where I or my ancestors have presented before. And where a man may have an *Affise de darrein presentment*, he may have a *Quare impedit*, but not contrariwise.

Also if the Plea be depending between two parties, and be not discussed within six moneths, the Bishop may present by Laps, and he that hath right to present shall recover his dammagés, as appears by the Statute of *Westm. 2. c. 5.* And if he that hath right to present after the death of the Parson brings no *Quare impedit*, nor *Darrein presentment*, but suffers a stranger to usurp upon him, yet he shall have a *Writ* of right of Advowson: But this *Writ* lites not, unless he claim to have the Advowson to him and his heirs in Fee.

Quare

Quare incumbavit.

Quare incumbavit is a Writ that lies where two are in Plea for the Advowson, and the Bishop admits the Clerk of one of them within the six months; then he shall have this Writ against the Bishop. But this Writ lies always depending the Plea.

Quare intrusit Matrimonio non satisfacto.

Quare intrusit Matrimonio non satisfacto is a Writ that lies where the Lord proffers convenient Marriage to his Ward, and he refuses, and enters into the Land, and marries himself to another; then the Lord shall have this Writ against him.

Quare non admisit.

Quare non admisit is a Writ that lies where a man hath recovered an Advowson, and sends his convenient Clerk to the Bishop to be admitted, and the Bishop will not receive him; then he shall have the said Writ against the Bishop. But a Writ of *Ne admittas* lies where two are in Plea; if the Plaintiff suppose the Bishop will admit the Clerk of the Defendant, then he may have this Writ to the Bishop, commanding him

Quare incumbavit.

Quare incumbavit est un Brief que gist l'our deux sont en Plee pur l'Advowson, & l'Evesque admit le Clerk d'un d'eux deins le sixe moys; donques il avera ceo Bfe vers l'Evesque. Mes ceo Brief gist tous-foits pendant le Plee.

Quare intrusit Matrimonio non satisfacto.

Quare intrusit Matrimonio non satisfacto est un Brief que gist lou le Seigneur pfer convenable Marriage a son Garde, & il refusa, & entra e le Terre, & soy marry a un auter; donques le Seigneur avera cest Brief vers luy.

Quare non admisit.

Quare non admisit est un Brief que gist lou home ad recover un Advowson, & il manda son convenable Clerke al Evesque pur admit, & l'Evesque ne velle luy receiver; donques il avera le dit Brief vers l'Evesque. Mes Brief de *Ne admittas* gist lou deux sont en Plee; si le Plaintiff suppose que l'Evesque velt admit le Clerk le Defendant, donques il port aver cest Bfe al Evesque, luy commandant que

que il ne luy admette pend-
ant le Plec.

not to admit him hanging the
Plea.

Quarels.

Quarels est derive a *Qu-
rendo*, & extend non
selement al Actions cybien real
come personal, mes auxy al
Causes de Actions & Suits:
issint que p Release de tous
Quarels, non selement Acti-
ons dependant en Suit, mes
Causes d Action & Suit auxy
sont release; & *Quarels*,
Controversies & Debates s'ont
Synonyma, & de un mesme
signification. *Coke, lib. 8.
fol. 153.*

Quarels.

Quarels is derived from *Que-
rendo*, and extends not on-
ly to Actions as well real as
personal, but also to the Causes
of Actions and Suits; so that
by the Release of all Quarels,
not only Actions depending in
Suit; but Causes of Action
and Suit also are released; and
Quarels, *Controversies* and
Debates, are words of one
sense, and of one and the
same signification, *Coke, lib. 8.
fol. 153.*

Quarentine.

Quarentine est, lou home
devie seisie d'un Mannor-
place, & de auters Terres,
dont la Feme doit estre
endow, donques la feme ti-
endra se en le Mannour-
place, & la vive de le flore
& profits de ceo per *quarant
jours*, deins quel temps la
Dower sera a luy assigne:
come appliert en *Magna Char-
ta, cap. 6.*

Quarentine.

Quarentine is, where a man
dies seised of a Mannour-
place and other Lands, where-
of the wife ought to be endow-
ed; then the woman may
abide in the Mannour-place,
and there live of the flore and
profits thereof the space of forty
days, within which time her
Dower shall be assigned: as
it appears in *Magna Charta,
cap. 6.*

Que estate.

Que estate est un Terme en
pleading p'avoider pro-
lixity, si come un plead un
feoffment en fee al *A. cujus
quidem A. statum idem B. modo
habet*, & null poert ceo plead

Que estate.

Que estate is a term in
pleading to avoid pro-
lixity; as if a man pleads a
feoffment in fee to *A. cujus
statum idem B. modo habet*,
and no one can plead it
but

but Tenant of the Fee; nor can it be pleaded of things which pass merely by grant as *Advowsons*, *Franchises*, &c.

Quid juris clamat.

Quid juris clamat is a Writ that lies where I grant the Reversion of my Tenant for life by Fine in the Kings Court, and the Tenant will not attorn; then the Grantee shall have this Writ to compel him. But a Writ of *Quem redditum reddit* lies where I grant by Fine a Rent charge, or another Rent which is not Rent service, which my Tenant holds of me, and the Tenant will not attorn; then the Grantee shall have this Writ. And a Writ of *Per que servitia* lies in like case for Rent service.

Also if I grant four divers Rents to one man, and the Tenant of the Land attorns to the Grantee by payment of a penny, or of a half penny, in the name of Attournment of all the Rents; this Attournment shall put him in seisin of all the Rent. But these three Writs ought to be brought against those who are Tenants at the day of the Fine levied, and against no other.

forque Tenant del fee, nec poit estre plead de choses queux passent merement p grant come *Advowsons* ou *Franchises*, &c.

Quid juris clamat.

Quid juris clamat est un Bfe q gist lou jco graunt le Reversio de mon Tenant a terme de vie p Fine en Court de Roy, & le Tenant ne voit attourner; donques le Grantee avera cest Bfe p luy chaser, Mes Brief de *Quem redditum reddit* gist lou jco grant per Fine un Rent charge, ou autre Rent que nest Rent service, quel mon Tenant tient de moy, & le Tenant ne voit attourner; donques le Grantee avera cest Brief. Et Bfe de *Per que servitia* gist en semblable case pur Rent service.

Auxy si jco graunt iv. divers Rents a un home, & le Tenant de Terre attourne al Grantee per payment de un denier, ou un maille, en noime de Attournment de tous ceux Rents; cest Attournment luy mettera en seisin de tout cest Rent. Mes ceux trois Briefs covient estre port vers eux que sont Tenants a jour del Fine levie, & vers nul autres.

Quinziesme.

Quinziesme est un Payment grant en Parliement al Roy p les Layes gents, cellasca-voir, l' *quinziesme* part de leur Biens: Et fult use en ancien temps destre levie sur leur averz esteuants en leur terres, que chose fult mult trou- blous; & p ceo a ore par le plus part cest voy est al- ter, & ils use de levie ceo per le Verge ou Acre, ou autre mesure de Terre; per raison de que il est a ore meins troubles & plus cer- tain q devant, & chesc Ville & Pays scient ql somme est destre pay perenter eux, & comment ceo sera raise. Nous legimus que *Moses* fult le primer q number le people, car il number les *Israelites*; & pur c le primer Tax, Sub- sidie, Tribute, ou *Quin- ziesme*, fult invente per luy enter les *Hebrews*, come *Polydore Virgil* suppose.

Quit claim.

Quit claim est un Release ou Acquitting d'un hōe p alcun Action q il ou poit aver envers luy. *Bracton l. 3. tract. 3. ca. 9. m. 9.*

Fifteenth.

Fifteenth is a Payment grant- ed in Parliament to the King by the Temporality, namely, the fifteenth part of their goods; And it was used in ancient time to be levied upon their Cattel going in their grounds, which thing was very troublesome; and therefore now for the most part that way is altered, and they use to levie the same by the Parb or Acre, or other measure of Land; by means whereof it is now less troublesome and more certain than before; and every Town and Country know what sum is to be paid among them, and how the same shall be raised. We read that *Moses* was the first that numbered the people, for he numbered the *Israelites*; and the first Tax, Subsidy, Tribute or Fifteenth, was in- vented by him among the *Hebrews*, as *Polydore Virgil* thinks.

Quit claim.

Quit claim is a Release or Acquitting of a man for any Action that he hath or may be have against him. *Bracton l. 3. tract. 3. ca. 9. m. 9.*

Quo jure.

Quo jure is a writ that lies where a man hath had Common of Pasture in another's Soke, within the time of memory; then he to whom the Soke belongs shall have this writ to charge him to shew by what Title he claims the Common.

Quo minus.

Quo minus is a writ that lies where a man hath granted to another Housebote and Heybote in his wood, and the Grantor makes such waste and destruction that the Grantee cannot have his reasonable Estovers; then the Grantee shall have the aforesaid writ, which is in nature of a writ of Waste.

And note that Housebote is certain Estovers to mend the House; and Heybote certain Estovers to mend Hedges and Hedges.

There is another writ called a Quo minus in the Exchequer, which any Termor or Debtor to the King shall have against any other for Debt or Term due in the Exchequer Office called the Common Pleas, by which the Plaintiff shall surmise, that for the wrong which the Defendant doth him, he is less able to pay the King his Debt or Term; which is surmised to give Jurisdiction to the

Quo jure.

Quo jure est un Brief que gist lou home ad ewe Common de Pasture en auter Soke deins le tēps de memorie; donques celuy a que appartient l' Soke avera cest Brief, a charge luy de monstrier par quel Title il claim le Common.

Quo minus.

Quo minus est un B're que gist lou home ad grant a un autre Housebote & Heybote en son boys, & le Grantor fait tiel Waste & destruction que le Grantee ne poit aver son reasonable Estovers; donq; il Grantee avera le avarant dit Brief, que est en natura de Brief de Waste.

Et note que Housebote est certain Estovers pur amender le Meason; & Heybote est certain Estovers p amender Hedges & Hedges.

Est autre Brief appelle Quo minus en l' Exchequer, quel aucun Termour ou Debtor al Roy avra vers aucun autre par Debt ou Terme due en le Exchequer Office appelle le Common Pleas, par que le Plaintiff surmiserà, que par le tort que le Defendant fait a luy, il est meynes able a payer le Roy son Debt ou Terme; quel est surmise a doner Jurisdiction al

Court d' Exchequer d' oyer
& terminer la cause del Suit
enter eux, quel autrement
seroit determine en autre
Court.

Court of Exchequer to hear and
determine the cause of the Suit
between them, which otherwise
should be determined in another
Court.

Quo warranto.

Quo warranto.

Quo warranto est un Brief
q gist lou home usurpe
daver aucun Franchise sut le
Roy; donques le Roy avera
cest Brief, de faire luy vener
devant ces Justices, pur mon-
stre per quel Title il claime
ciel Franchise.

Quo warranto is a Writ that
lies where a man usurps
to have any Franchise upon the
King; then the King shall
have this Writ, to make him
come before his Justices, to
shew by what Title he claims
such Franchise.

Quod ei desorceat.

Quod ei desorceat.

Quod ei desorceat est un Bre
que gist lou Tenant en
Tail, Tenant en Dower, ou
Tenant a Vie perde p De-
fault en aucun Action; donques
cestuy avera cest Brief vers
celuy que recovers, ou vers
son Heire, si il entende que il
avoit melior droit q il q reco-
vera. Veies l' Stat. West. 2. c. 4.

Quod ei desorceat is a Writ
that lies where Tenant in
Tail, Tenant in Dower, or
Tenant for Life loses by De-
fault in any Action; then he shall
have this Writ against him that
recovers, or against his Heir, if
he think he hath better right
than he who recovered. See the
Statute West. 2. cap. 4.

Quod permittat.

Quod permittat.

Quod permittat est un
Brief q gist lou home est
disseise de son Common de
Pasture, & l' Disseisor alien
ou devie seise, & son Heire
ent; donques si l' Dissei-
see devie, son Heire avera cest
Brief.

Quod permittat is a Writ that
lies where a man is dis-
seised of his Common of Pa-
sture, and the Disseisor aliens
or dies seised, and his Heir en-
ters; then if the Disseisee
die, his Heir shall have this
Writ

Quod

Quod permittat.

Habere { Chiminum.
Eftoverium turbarum.
Paffagium y aquam.
Liberam chaceam.
Liberam taurum.
Liberam faldum.
Liberam pifcar. &c.

Raft. Entr. 338. Co. Entr. 326.
F. N. B. 124.
Raft. Entr. 338.
2 Inftituti 654.
Fi. N. B. 124.
Ibid. & 6. E. 4. 1.
ibidem.

Profternere { Domum, murum,
Ripam, &c.

lepem, } 5 Coke 100.
} 9 Coke 53.

R **Ran.**
An fignifies to open a
Spoiling of a man,
that it cannot be de-
nted. Lambert Arch.
fol. 125.

R **Ran.**
An fignificat tam a-
pertam Rapinam, que
negari non potest.
Lamb. Arch. fol.
125.

R **Ranger.**
Ranger comes from the
French word Rang, (that
is, Ordo vel Series) and
fignifies an Officer of the For-
rest that is appointed to walk
every day through the Parlieu
whereof he is Ranger, to drive
back the wilde Beasts into the
Forrest again; to see, hear, and
inquire of Offenders there, and
to present their Offences. See
Manwood, cap. 20. fol. 185.
&c.

R **Ranger.**
Ranger venust del parol
Francois Ranger, (id est
Ordo, vel Series) & fig-
nific un Officer del Forrest q;
est appoint le pourmener
chesc' jour y le parlieu dont
il est le Ranger, pur rechas-
ser les Feres hors ceo en le
Forrest arere; de veier, oyer
& enquire des Offenders la,
& de presenter leur Offences.
Veles Mann. cap. 20. fol. 185.
&c.

Ransome.

Ransome.

Ransome signifie properment ceo Summe que est pay pur le Redemption dun qe est prise captive en guerre. Mes est auxy use pur un Summe des deniers paye pur le pardonner dascun grand Offence; come en le Statute de 1 H. 4. cap. 7. & en autres Stat. Fine & Ransome alans in-semble; 23 H. 2. cap. 3. & ay-lors.

Ransome.

Ransome signifie properly the Sum that is paid for the redeeming of one that is taken Captive in War. But it is also for a Sum of money paid for the pardoning of some great Offence; as in the Statute of 1 H. 4. cap. 7. and in other Statutes: Fine and Ransome going together; 23 H. 2. cap. 3. and elsewhere.

Rape.

Rape ad deux significati-
ons: Le primer est quant il est prise p le part del Coun-
ty; come Southsex est dvide
en sixe parts, que p un pe-
cunier nœ sont appel' Rapes,
Cambd. Britan. p. 225. & ceux
parts en autres pays sont app'
Hundredes, Tythings, Lathes,
ou Wapentakes.

En l'aut' sens il est l'violēt
Conscience dū sœe encourt' la
volunt: & cest offence est Ec-
clesiastice & l'Principal cōcē
les Accessories. V. 11 H. 4. c. 13.
1 Ed. 4. c. 1. Westm. 2. c. 13. Crim-
inals Just. de Peace, f. 43, 44.

Rationabili parte bo-

Rationabili parte bonorum
est ū Bfe q' gisi pū fēme
pōr les Executors la baron,

Rape.

RApe hath two significations:
The first is when it is ta-
ken for part of a County; as
Suffex is divided into six parts,
which by a peculiar name are
called Rapes, Cambd. Britan. pag.
225. and these parts in other
Counties are called Hundredes,
Tythings, Lathes, or Wapen-
takes.

In the other sense it is the
violent Debauching a Woman
against her will: and this of-
fence is Felony, as well in the
Principal as in his Aidors.
23 H. 4. c. 13. 1 Ed. 4. c. 1. West.
2. c. 13. Crim. Just. of Peace, f. 43, 44.

Rationabili parte bo-
norum.

RAtionabili parte bonorum is a
part that lies for the wife
against the Executors of her
Hus-

Husband, to have the third part of his Goods after Debts paid and Funeral expences discharged. But whether this Writ lies by the Common Law, or only by the Custom of some Countreies, is a question in our Books, See F.N.B. fol. 122. L.

Rationabilibus divisis.

Rationabilibus divisis is a Writ that lies where there are two Lordships in divers townes, and one nigh the other, and any parcel of one Lordship, or Waste, hath been incroched by little parcels; then the said Lord from whom the parcel of Ground or Waste hath been incroched shall have this Writ against the Lord that hath so incroched.

Ravishment de Gard.

Ravishment de Gard, is a Writ that lies for the Gardien by Knights Service, or in Socage, against him that takes from him the Body of his Ward. And of this see F. N. B. fol. 140. E. & C.

Rebutter.

Rebutter is, when one by Deed or Fine grants to another any Land, or Wardship, to another, and he who made the Warranty, or his Heir, sues him to whom the Warranty is made, or his Heir, or Assignee,

daver le tierce part de ses biens apres Dettis payes & Funeral Expences discharge. Mes si cest Brief gisera al Common Ley, ou solent per le Custom d'aucun Pais, est un question en nostre Livres. Vies F.N.B. 122. L.

Rationabilibus divisis.

Rationabilibus divisis est un Brief que gist souz deux Seignories en divers Villes, & un-pres de autre, & aucun parcel de un Sârie, ou de Wast, ad este encroche par petis parcele; donques celui Seignior de que le parcel de Terre ou le Wast ad este encroche avert cest Brief envers le Seignior que ad issint encroche.

Ravishment de Gard.

Ravishment de Gard est un Brief que gist pur le Gardien en Chivalry, ou Socage, vers celui qui prist de luy le corps son Gard. Et de ce veies F. N. B. fol. 140. E. & C.

Rebutter.

Rebutter est, quant un per fait ou Fine grant d'garantir aucun Terre ou Wardship a un autre, & celui qui fist le Garrantie, ou son Heir, sue celui a qui le Garrantie est fait, ou son Heir, ou Assignee;

gnee : si celuy que issint sue
pleade le dit Fait ou Fine
ove Garrantie, & demand
Judgement, si le Plaintiff
terra receive a demander
le chose que il doit gar-
rant, enconter cel Gar-
rantie, per le Fait ou Fine
avant dit, compernant tiel
Garrantie, tiel Pleader en
Garrantie est appelle un Re-
butter.

Cest paroll est auxi un de-
nomination d'un Plea q suc-
ceed le plea appel Surrejoin-
der, & puis le Rebutter suc-
ceed Surrebutter. Queux vei-
es *Cokes Entries*, fol. 284.

Recaption.

Recaption est un second
Distresse dun que fuit
auterfois distrein de-
vant p m le cause, & e durant
le Plea ground sur le former
Distresse. Est auxi le noime
del Brief ou Remedy que le
Ley don p cestuy q est issint
deux fois distrein p u chose :
le form & use d q Br poies
veier en *F. N. B. j. 71. E. 6.*

Recluse.

Recluse est cestuy que p le
raison de son Order en
Religion ne pout mover
ou departer hors de son Mea-
son ou Cloister. Et d'un tiel,
Littleton parle *Item* 434.

for the same thing : now if he
habe is so sued pleads the said
Deed or Fine with Warranty,
and demands Judgment, if the
Plaintiff shall be recetted to
demand the thing which he
ought to warrant, against that
Warranty, by Fine or Deed
aforesaid, comprehending such
Warranty, such Pleading of
the Warranty is called a Re-
butter.

This word is also a deno-
mination of a Plea which fol-
loweth a Rejoinder : And af-
ter the Rebutter followeth the
Surrebutter. See *Cokes Entries*
fol. 284.

Recaption.

Recaption is a second Distress
of one formerly distrained for
the self-same cause, and that
during the Plea grounded upon
the former Distress. It is also
the name of the writ or Re-
medy that the Law gives him
who is thus twice distrained
for one thing : the form and use
of which writ you may see in
Fitz. N. B. fol. 71. E. 6.

Recluse.

Recluse is one that by rea-
son of his Order in Re-
ligion may not depart
out of his house or Cloister.
And of such *Littleton* speaks,
Item 434.

Recognizance.

Recognizance.

Recognizance is an Obligation made before a Master of the Court of Chancery for a Debt, or to perform Covenants, or an Order or Decree of the Court, upon which an Extent issues if the Condition be not performed; But no Capias lies upon it against the Cognizors or his Executors. Quare & vide 2 Len. 84.

Recognizance est un Obligation fait devant un Master del Court de Chauncery pur un Debt, ou a performer Covenants, ou un Order ou Decree del Court sur un Elegit Issue si les conditions ne sont pforme, mes nul Capias sur ceo gift versus le cognisor ou ses Executors. Quare & vide 2 Len. 84.

Recordare.

Recordare.

Recordare is a Writ directed to the Sheriff, to remove a Cause out of an inferior Court, as a Court of Ancient Demesne, Hundred Court, or County Court, into the Kings Bench, or Common Pleas. And of this, see Fitz. N. B. fol. 70. B.

Recordare est un Brief direct al Viscount, p remove un Cause hors dū inferior Court, com Court d' Ancien demesne, Hundred Court, ou County Court, en Bank le Roy, ou Common Bank. Et de c' veies F.N.B.f. 70. B.

Record.

Record.

Record is a Writing or Parchment, wherein are Enrolled Pleas of Land, or Common Pleas, Deeds or Criminal Proceedings in any Court of Record: But in Courts not of Record, as Admiralty, Courts Christian, Courts Baron, &c. their Registry of Proceedings are not properly called Records: But Courts of Law held by the Kings Grant, are Courts of Record.

Record est un Escrite en Parchment, ou sont enroll Pleas de Terre, ou Common Pleas, Faits, ou Criminal Proceedings en aucun Court de Record; mes en Courts nient de Record come Admiraltie, Courts Christian, Courts Baron, &c. leur Registre de procedurē ne sont proprement dits Records: Mes Courts de Ley teign p Grant dū Roy sūt Courts de Record.

Recovery.

Recovery.

Recovery est communite intend un common Recovery p assent des parties a docker un Entaile, & est fondee sur un Brief dentry Auxi chescun judgment est recovery p les parols *Ides consideratum est quod recuperet.*

Recovery.

Recovery is commonly intended a common recovery by assent of parties to dock an Entail, and is founded upon a Writ of Entry. Also every Judgment is a Recovery by the words *Ides consideratum est quod recuperet.*

Recusants.

Recusants sont tous ceux queux separate de l'Esglise & congregation p Ley & Statutes establies en cest Roialme de si opinion ou sect ils sont, come tous Judges ont ceo exposee sup Statute 35 El. cap. 1. & divers autres Stat.

Recusants.

Recusants are all those who separate from the Church and Congregation by the Laws and Statutes established in this Realm, of what opinion or sect they are of. As all the Judges have expounded the Statute 35 Eliz. cap. 1. and divers other Stat.

Redisseisin.

Redisseisin. Veles de ceo devant en le Title de Assise.

Redisseisin.

Redisseisin. Look of that before in the Title Assise.

Reextent.

Reextent est un second Extent fait sur Terres ou Tenements, sur complaint fait que le prier Extent fait par chartment performe broke, tit. Extent. fol. 313.

Reextent.

Reextent is a second Extent made upon Lands or Tenements, upon complaint made that the former Extent was partially performed. Broke tit. Extent, fol. 313.

Regarder.

Regarder.

Regarder comes of the French Regardeur, (id est, Spectator) and signifies an Officer of the Kings Forrest, Chosen to take care of the Vert and Venison, and to view and inquire of all the Offences committed within the Forrest, and of all the concealments of them; and if all the Officers of the Forrest do well execute their Offices or no. See Manwood's Forrest Laws, cap. 21. fol. 191. b.

Regarder venust del Francois Regardeur, (i.e. Spectator) & signifie un Officer del Forrest le Roy, jure de prendre le regard del Vert & Venison, & de veler & inquire des tous Offences commises deins le Forrest, & des tous les cōcealments d'eux; & si tous les Officers del Forrest bien executōt leur Offices ou nemy. Veies Manw. For. Leyes, c. 21. f. 191. b.

Regrator.

Regrator.

Regrator is he that hath Corn, Animals, or other things sufficient for his own necessary use or spending, and doth nevertheless ingross and buy up into his hands more Corn, Animals, or other such things, to the intent to sell the same again at a higher and dearer price, in Fairs, Markets, or other such like places: whereof see the Statute 5 E. 6. cap. 14. He shall be punished as a ForeSTALLER.

Regrator est ceuy que ad Bles, Viduals, ou autres choses sufficientes pour son necessary use ou expences, & nient obstant engross & achate en ses mains plus Bles, Viduals, ou autres d'icelles choses, al intent de vendē carere al un plus hault & chere price, en Faires, Markets, ou tiels semblable lieux: de que veies le Stat. 5 E. 6. cap. 14. Il sera punie come ForeSTALLER.

Rejoynder.

Rejoynder.

Rejoynder is, when the Defendant makes answer to the Replication of the Plaintiff. And every Rejoynder ought to have these two properties specially; that is, it ought to be a sufficient Answer to the Re-

Rejoynder est, qāt le Defendant fait respons al Replication del Plainiff.

Et chescun Rejoynder doit aver ceux deux proprietes specialment: cest a sçavoir, il doit estre sufficient Respons ad

ad Replication, & de subse-
quent & eforce le matter del
Barr.

plication, and to follow an
enforce the matter of the
Barre.

Relation.

Relation est, lou, en con-
sideration del Ley, deux
temps ou auters choses sont
consideres tielment come si
fueront tout un, & per ceo
le chose subsequant est dit de
prendre son force per relation
al temps precedent. Sicome
un deliver un Escrip al un
destre deliver al autre, come
Fait cestuy q ceo deliver, qnt
l'autre, a que serroit deliver,
ad pay ascun somme de mo-
ney; ore quant le money est
pay, & l' Escrip deliver,
ceo serra repute come Fait
cestuy q ceo delivera al temps
quant fut primes delivera.
Mint Petitions de Parlia-
ment, as qx le Roy assent al
darrein jour d Parliamt, ave-
rnt relation & prendront leur
force del prim jour del com-
menceent d Parliamt. Et il-
linc est divers auters choses
semblables.

Release.

Release est le Done ou Dis-
charge del Droit ou Acti-
on q ascun cyt ou clame en-
vers autre, ou son Terre.

Et un Release de Droit est
comunement fait qnt un sesoit
u fait a u autre p ceux ou tiels
parolz, Remisse, relaxasse, &c.

Relation.

Relation is, where, in consi-
deration of Law, two times
or other things are considered
so as if they were all one, and
by this the thing subsequant is
said to take his effect by relation
at the time preceding: As if
one deliver a writing to ano-
ther to be delivered to a third
person, as the Deed of him who
delivered it, when the other, to
whom it should be delivered,
hath paid a sum of money;
now when the money is paid
and the writing delivered,
this shall be taken as the Deed
of him who delivered it at the
time when it was first deliver-
ed. So Petitions of Parlia-
ment, to which the King as-
sents on the last day of Par-
liament, shall relate and be of
force from the first day of the
beginning of the Parliament.
And so it is of divers other like
things.

Release.

Release is the Giving or Dis-
charging of the Right or Ac-
tion which any hath or claims
against another, or his Land.

And a Release of Right is
commonly made when one
makes a Deed to another by
these or the like words, Remised,
re-

released, and utterly for me and my Heirs quite claimed to A. B. all my right that I had, have, or by any means may have hereafter, in one Messuage, &c. But these words (whatsoever I may have hereafter) are void: For if the Father be disseised, and the Son release by his Deed without Warranty all his right, by those words (whatsoever I may have hereafter, &c.) and the Father dies; the Son may lawfully enter in the possession of the Disseisor.

Also in a Release of Right it is needful, that he to whom the Release is made have a Freehold of a Possession in the Lands in Deed or in Law, or a reversion at the time of the release made; for if he have nothing in the Land at the time of the release made, the Release shall not be to him available. See more hereof in Litt. lib. 3. cap. 8.

Relicta verificatione.

Relicta Verificatione is when a Defendant hath pleaded, and the issue is entered of Record. And after that, the Defendant relict a verificatione (que est son Plea) acknowledges the Action, and thereupon Judgment is entered for the Plaintiff.

omnino pro me & Hered' meis quiet' clamasse A. B. totum jus meum quod habui, habeo, seu quovismodo in futuro habere potero, in uno Messuagio, &c. Mes ceux parols (quovismodo habere potero) sont voids: Car si le Pere soit disseisic, & le Fils release p son Fait sans Garrantie tout son droit, p ceux pols (quovismodo in fut. habere potero, &c.) & le Pere morust; le Fils poit loyallyment enter sur le possell. le Disseisor.

Auxy en un Release de Droit il covient que il a que le Release est fait ad un Franknement ou Possession en les Terres en Fait ou en Ley, ou un Reversion al temps del Release fait; car sil ad riens en le Terre al temps del Release fait, le Release ne serra a luy available. Veles pluis de ceo. Litt. lib. 3. cap. 8.

Relicta verificatione.

Relicta verificatione est quant un Defendant ad plead, & l' Issue est enter de record. Et postea le Defendant relict a verificatione (que est son plea) cognoscit actionem, & sur ceo Judgment est enter par le Plaintiff.

Relief.

Relief est alcun foits un certaine summe de money que l'Heir payera al Sür d que ceux Terres sont tenus, queux apres le decease de son Ancestor sont a luy descende come prochein Heir. Ascun foits ibest le Paymēt d'un autre chose, & nemy money. Et par ceo Relief nest certain & semblable pur tous Tenures, mes chescun sundry Tenure ad (pur le plus part) son special Relief certain en luy mesme. Neq; est il destre paye tous foits al un certain age, mes il varie accordant al Tenure.

Come si le Tenant ad terre tenus per Service de Chivaler, (forpris grand Serjeantle) & mortu, son Heire esteant de plaine age, & tient ses Terres per le Service de un entier Fee de Chivaler, le Seignior de que ceux Terres sont issint tenus avera del Heire C s. *nomine Relevii*: & si il tient per meins q un Fee de Chivaler, il payera meins, & si plus, donques plus; aiant respect tous foits al rate p chesc' Fee de Chivaler un cent soulz. Et si tient y grand Serjeantle, (que est tous foits del Roy, & est auxy Service de Chivaler) donqs le Relief serra le value del Terre per an, preter tous charges issuant hors de c'. Et si l' Terre solt tenus en

Relief.

Relief is sometimes a certain summe of money that the Heir shall pay to the Lord of whom his Lands are holden, which after the decease of his Ancestor are to him descended as next Heir. Sometimes it is the Payment of another thing, and not money. And therefore Relief is not certain and alike for all Tenures, but every several Tenure hath (for the most part) his special Relief certain in it self. Neither is it to be paid always at a certain age, but varies according to the Tenure.

As if the Tenant have Lands holden by Knights Service, (except grand Serjeanty) and dies, his Heir being at full age, and holding his Lands by the Service of a whole Knights Fee; the Lord of whom these Lands are so holden shall have of the Heir an hundred shillings in the name of the Relief: and if he held by less than a Knights Fee, he shall pay less, and if more, then more; having respect always to the rate for every Knights Fee C s. And if he held by grand Serjeanty, (which is always of the King, and is also Knights Service) then the Relief shall be the value of the Land by the year, besides all charges issuing out of the same. And if the Land be holden in

Herr

Petit Serjeantie or in Socage, then for the Relief the Heir shall pay at one time as much as he ought to pay yearly for his Service; which is commonly called the Doubling of the Rent.

And if a man hold of the King in chief, and of other Lords, the King shall have the Ward of all the Lands, and the Heir shall pay Relief to all the Lords at his full age: but the Lords shall sue to the King by petition, and shall have the Rent for the time that the Infant was in Ward.

But see now that by the Statute of 2 E. 6. cap. 8. the same Lords are not put unto their Petition, but shall have all the Rents paid them by the Kings Officers upon request yearly during the Kings possession.

And note, that always when the Relief is due, it must be paid at one whole payment, and not by parts, although the Rent be to be paid at several Feasts. See the Statute 12 Car. 2. cap. 24.

Remainder.

Remainder of Land is the Land that shall remain after the particular Estate determined: As if one grant Land for term of years, or for life, the Remainder to J. S. that is to say, when the Lease for years is determined; or the Lessee for life is dead; then the

Petit Serjeantie ou è Socage; donques p le Relief le Heire payera al un foits tât que il doit payera anuellement p son Service; q l est cõmunement appelle le Doubling dl Rent.

Auxy si un home tient del Roy en chief, & des auters Sârs, le Roy avera le Garde de tous les Terres, & le Heli payera Relief a tous les Seignours a son plein age: mes les Seignours suera al Roy p petition, & avera le Rent pur le temps que le Enfant fuit en Gard.

Mes veies ore que per le Statute de 2 E. 6. cap. 8. les mesme Sârs ne sont mises a leur Petition, mes averont tous les Rents as eux payes per les Officers le Roy sur request annuellement durant le possession le Roy.

Et nota, q tous foits qnt le Relief est due, il doit estre pay al un entier payment, & nemy per parts, njent obstant que le Rent soit deslire payer al several Feasts. Veles le Statute 12 Car. 2. cap. 24.

Remainder.

Remainder de Terre est l' Terre que remanera apres le particular Estate determine: Come si un grant Terre p terme de ans, ou p vie, le remainder al J. S. cest adire, quant le Lease p ans est determinã, ou le Lessee pur vie est mort, donques le

Terre remainera ou abide
ove, al, ou en J. S. Veles
Reversion.

Land shall remain or abide
with, to, or in J. S. See Re-
version.

*Remembrancer del Es-
chequer.*

*Remembrancer del Es-
chequer.*

R *Emembrancer. del Esche-*
quer: la sont trois Offi-
cers ou Clerks la appel
per tiel noisme; l' un est
appelle Remembrancer del
Roy, l' autre del Seignior
Treasurer, & le tierce del
Primer fruiſts.

Le Remembrancer del Roy
enter en son Office tous Re-
cognisances pur les Dets le
Roy, Apparances, & pur ob-
ſerver Orders: auxy il priſt
touts Obligations pur aucun
des Dets le Roy, pur Appa-
rances, & observances d' Or-
ders, & fist Proces sur eux p
le enſtreindre de eux.

Le Remembrancer del Seig-
nior Treasurer fist Proces
vers tous Viſcounts, Eschea-
tors, Receivers, & Bailifes
pur leur Accounts; il fist le
Proces de *Fieri facias*, & Ex-
tent pur aucun Dets due al
Roy, ou en le Pipe, ou ove les
Auditors: & il fist Proces
pur tout tiel Revenue que est
due al Roy per reason de ses
Tenures.

Le Remembrancer de les Pri-
mer fruiſts priſt tous Com-
poſitions p Primer fruiſts &
Diſmes, & fait Proces envers
ceux q ne pas paya m. De
ceux Officers veles plus e Da,

R *Emembrancer del Eschequer*:
there are three Officers or
Clerks there called by that
name; one is called the Re-
membrancer of the King, the
other of the Lord Treasurer,
and the third of the first
fruits.

The Kings Remembrancer en-
ters in his Office all Recogni-
zances for the Kings Debts,
Apparances, and for observing
of Orders: also he takes all Ob-
ligations for any of the Kings
Debts, for Apparances, and ob-
ſerving of Orders, and makes
out Process upon them for the
breaking of them.

The Lord Treasurers Remem-
brancer makes out Process a-
gainst all Sheriffs, Escheators,
receivers and Bailiffs, for
their Accounts: he makes the
Process of Fieri facias, and Ex-
tent for any Debts due to the
King, either in the Pipe, or
with the Auditors; and he
makes Process for all such re-
venue as is due to the King by
reason of his Tenures.

The Remembrancer of the First
Fruits takes all Compositions
for first fruits and Tenths,
and makes Process against such
as pay not the same. Of these
Officers see more in Dalton's
Book

Book of the Office and Authority of Sheriffs, f. 186.

Livre del Office & Authoritie de Viscounts, f. 186.

Remitter.

Remitter is, when a man hath two Titles to any Land, and he comes to the Land by the last Title; yet he shall be judged in by force of his elder Title, and that shall be said to him a Remitter. As if Tenant in tail discontinue the Tail, and after disseise his discontinuee, and dies thereof seised, and the Lands descend to his issue or Cousin inheritable by force of the Tail; in that case he is in his Remitter, that is to say, seised by force of the Tail and the Title of the Discontinuee is utterly adnulled and defeated. And the reason and cause of such Remitter is, for that such an Heir is Tenant of the Land, and there is no person Tenant against whom he may sue his Writ of Formedon to recover the Estate tail: for he may not have an Action against himself.

Also if Tenant in tail infeof his Son or Heir apparent who is within age, and after dies; that is a Remitter to the Heir: but if he were full of age at the time of such Feoffment, it is no Remitter, because it was his folly, that he being of full age would take such a Feoffment.

If the Husband alien Lands that he hath in right of his wife, and after take an Estate again

Remitter.

Remitter est, quant un home ad deux Titles a aucun Terre, & il vient al Terre p le darrelne Title; uncore il serra adjudge ein s per force de son plus eigne Title, & ceo serra dit a luy un Remitter. Come si Tenant e le taile discontinue le Taile, & puis disseise son Discontinuee, & morust ent seise, & les Terres descendont a son issue ou Cosin enheritable p force del Taile; en ceo case il est e son Remitter, cestascavoir, seise del p force del Tail, & le Title del Discontinuee est ousterment anient & defete. Et le reason & cause de tiel Remitter est, p ceo q tiel Heire est Tenant del T're, & nest aucun pson Tenant vers que il poit suer son Brief de Formedon p recover l' Estate taile: car il ne puit aver Action vers luy mesme.

Auxy si Tenant en le taile enscoffa son Fitz ou Heire apparent q est deins age, & puis devie: Jceo est un Remitter al Heire, mes si il fuit d plein age al temps de tiel Feoffmt, il nest Remitter, p e q il fuit son folie, q il esciant d plein age voile pnder tiel Feoffmt.

Si le Baron alien Terre que il ad en le droit son Feme, & puis reprist Estate

a luy & a son Feme p terme de lour vies ; ceo est un Remitter al Feme ; pur ceo que cest Alienation est l'act le Baron, & nemy l'act de la Feme ; car nul folle poit estre adjudge en Feme durant le vie le Baron.

Mes si tiel Alienation soit per Fine en Court de Record, tiel Reprisel apres al Baron & Feme pur terme de lour vies ne serra la Feme destre en sa Remitter ; pur ceo que en tiel Fine la Feme serra examine per le Judge, & tiels examinations en Fines excluderont tiels Femmes a rous jours.

Auxy quant l'Entree d'asc' home est congeable, & il prist Estate a luy quant il est de plene age, si ne soit per Fait Indent, ou matter de Record, que luy estoppera, ceo serra a luy bone Remitter.

Rents.

Rents sōt d' divers kinds ; cestascav', Rent-service, Rent-charge, & Rent-secke.

Rent-service est, lou le Tenant en Fee-simple tient sa T're de son S'nr p Fealtie & certaine Rent, ou p autre Service & Rent ; & donques si le Rent soit arere, le S'nr poit distraire, mes il jammais n'aura Action de Det pur ceo.

Auxy si jeo done T're en le tail a ū hōc, payāt a moy certain Rent, ceo est Rent-service.

to him and to his Wife for term of their lives ; that is a Remitter to the Woman, because this Alienation is the act of the Husband, and not of the Woman ; for no folly may be adjudged in the Woman during the life of her Husband.

But if such Alienation be by Fine in Court of Record, such a taking again afterward to the Husband and Wife for term of their lives shall not make the Woman to be in her Remitter ; for that in such a Fine the Woman shall be examined by the Judge, and such Examination in Fines shall exclude such women for ever.

Also when the Entry of any man is lawful, and he takes an Estate to him when he is of full age, if it be not by Deed indented, or matter of Record, which shall estop him, that shall be to him a good Remitter.

Rents.

Rents are of divers kinds ; that is, Rent-service, Rent-charge, and Rent-secke.

Rent-service is, where the Tenant in Fee-simple holds his Land of his Lord by fealty and certain Rent, or by other service and rent ; and then if the rent be behind, the Lord may distrain, but shall not have an Action of Debt for it.

Also if I give Land in tail to a man, paying to me certain Rent, that is Rent-service.

But

But in such case it behoves that the reversion be in the Donor: for if a man make a Feoffment in fee, or a Gift in tail, the remainder over in fee, without Deed, reserving to him a certain rent, such reservation is void, and that is by the Statute *Quia emptores terrarum*; and then he shall hold of the Lord of whom his Donour held.

But if a man by Deed indentured at this day make such Gift in tail, the remainder over in fee, or lease for term of life, the remainder over, or a Feoffment, and by the same Indenture reserve to him rent, and that if the rent be behind, it shall be lawful for him to distrain; that is Rent-chage.

But in such case, if there be no clause of Distress in the Deed, then such a rent is called Rent-seck, for which he shall never distrain; but if he were once seised, he shall have Wille; and if he were not seised, he is without remedy.

And if one grant a rent going out of his Land, with clause of Distress, that is, a Rent-charge; and if the rent be behind, the Grantee may chuse to distrain, or sue a Writ of Annuity, but he cannot have both; for if he bring a Writ of Annuity, then the Land is discharged. And if he distrain, and above the taking in Court of Record, then the Land is charged, and the person of the Grantor discharged.

Mes en tiel case il convient que le Reversion soit en le Donour: Car si home fait Feoffment en Fee, ou un Done en taile, le Remainder ouster en Fee, sans Fait, reservant a luy un Rent, tiel reservation est void, & ceo est per force del Statute *Quia emptores terrarum*; & donques il tiendra de le Sär de q son Donour tenoit.

Mes si home p Fait indent a cel jour fait tiel Done è le taile, le Remainder ouster en Fee, ou lessa pur term de vie, le Remainder ouster; ou un Feoffment, & p m l' Endenture reserva a luy un Rent, & q si le Rent soit arriere, que bien liroit a luy a distraire; or tiel Rent est *Rent-charge*.

Mes en tiel case, si la ne soit clause de Distress en le Fait donques tiel Rent est appel *Rent-seck*, p quel il ne jammais distraira; mes si suit un foits seisie, il avera Aisse; & si il jammais ne suit seisie, est sans remede.

Aux si u grant u Rent is suat hors d sa Tfe, ove clause d Distress, cest u *Rent-charge*, & si le Rent soit arriere, le Grantee poit essier d distraire, ou suer u Bfe d Annuitie, mes il ne poit aver ambideux; car sil port Bfe d Annuitie, donques le Tfe est discharge. Et si il distt, & avow le prisel en Court de record, donque, le Tfe est charge, & le pson d Grantor discharge.

Auxy si un grant un Rent charge, & le Grantee pchase le moierie, ou asc' auter part ou parcel de le Terre, tout le Rent est extinct. Mes e Rent service, si le Seign' or pchase parcel del Terre, le Rê serra apporportion.

Si un ad un Rent charge, & son Pere purchase parcel del Terre, & cel parcel discenda a le Fitz, q ad le Rent charge; ore cel Rent serra apporportion solonque le value del Tfe, come est dit de Rent service; p ceo que le Fitz ne vient a ceo p son asc' demesn, mes p discent.

Aux' si jeo face un Lease p term d' ans, reservant a moy un certain Rent, cest appel u Rent service, pur quel il est mon liberte a distraire p le Rent, ou aver un Action de Det: mes si le Lease soit determine, & le Rent soit aref, jeo ne puisse distraire, mes serf mis a mon Actiō d Det.

Et nota, que si le Seignior soit seisie de Service & Rent avantdits, & ils soyent adere, & il distraire, & le Tenant rescue le Distress, il poit aver Assise, ou Brief de Rescous; mes il est plus necessarie pur luy d' aver Assise, que Brief de Rescous: pur tant que per Assise il recoversa son Rent & ses Dammages; mes per cest Brief de Rescous il ne recoversa mes Dammages, & le chose distraire serra reprise.

Also if one grant a Rent charge, and the Grantee purchase half, or any other part or parcel of the Land, all the Rent is extinct. But in Rent service, if the Lord purchase parcel of the Land, the Rent shall be apporportioned.

If one hath a Rent charge, and his father purchase parcel of the Land, and that parcel discends to the Son, who hath the Rent charge; then the Rent shall be apporportioned according to the value of the Land, as it is said of Rent-service; because the Son comes to that not by his own act, but by descent.

Also if I make a Lease for term of years, reserving to me a certain Rent, that is called a Rent service, for which it is at my liberty to distrain, or to have an Action of Debt: but if the Lease be determined, and the Rent behind, I cannot distrain, but shall be put to my Action of Debt.

And note well, that if the Lord be seised of the Service and Rent aforesaid, and they be behind, and he distraire, and the Tenant rescues the Distress, he may have Wille, or a Writ of Rescous; but it is not more necessary for him to have Wille, then a Writ of Rescous; for that by Wille he shall recover his Rent and his Dammages; but by a Writ of Rescous he shall recover only Dammages, and the thing distrained shall be repayed.

If the Lord be not seised of the Rent and Service, and they be behind, and he distrain for them, and the Tenant take again the Distress; he shall not have Issue, but a Writ of Rescous, and the Lord shall not need to shew his right.

If the Lord cannot find a Distress in two years, he shall have against the Tenant a Writ of Cessavit per biennium, as it appears by the Statute of Westm. 2. cap. 21.

And if the Tenant die in the meantime, and his Issue enter, the Lord shall have against the Issue a Writ of Entry upon Cessavit; or if the Tenant alien, the Lord shall have against the Alienee the foresaid Writ. But if the Lord have Issue, and die, and the Tenant be in arrearages of the said Rent and Service in the time of the father, and not in the time of the Issue; he may not distrain for the Arrearages in the time of his father, and he shall have no other Recovery against the Tenant or any other, because such advantage is given by the Law to the Tenant. And note, that fealty of common right belongs to Rent service, but not to Rent charge nor Rent seck.

If a man distrain for Rent charge, and the Distress be rescued from him, and he was never seised before, he hath no recovery but by Writ of Rescous; for the Distress first taken gives not Seisin to him,

Si le Seignour ne soit my seise del Rent & Service, & ils sont aderere, & il distrein pur eux, & le Tenant reprent le Distresse; il ne poit my aver Assise, mes Brief de Rescous, & ne covient my al Sür de mfe son droit.

Si le Seignior ne poit my trover Distresse per deux ans, il avera vers le Tenant Brief de *Cessavit per biennium*, ut patet per le Statute de *Westm.* 2. cap. 21.

Et si le Tenant devie en le mean temps, & son Issue enter, le Sür avera vers le Issue Bfe de Entry sur *Cessavit*; ou si le Tenant alien, le Sür avera vers le Alienee le avantdir Brief. Mes si le Sür ad Issue & devie, & le Tenant soit en arrearages del dit Rent & Services en le temps le Pere, & nemy en le temps del Issue; il ne poit my distrein pur arrearages en temps son Pere, & navera aucun auter Recoverie vers le Tenant ou aucun auter, pur ceo que tiel advantage est done per le Ley al Tenant. Et nota q fealty appent de common droit a Rent-service, mes nemy a Rent charge ne Rent seck.

Si home distrein pur Rent charge, & le Distresse soit rescue de luy, & il ne fuit my seisie adevant, il ne ad my Recoverie forsqu; p Bfe d Rescous; car le Distresse primermt fait ne doñ a luy Seisia, forsqu;

forſque ſil nad le Rent ad-
vant: car ſi il ſuit ſeiſie del
Rent adavant, & puis le Rent
ſoit adectere, & il diſtrein, &
Reſcous ſoit fait, il avera Af-
fiſe, ou Brief de Reſcous.

En cheſcun Affiſe de Rent
charge, & annual Rent, ou en
un Brief de Annuity, covient
a celui que port le Brief de
monſtre avant un Eſpecialty,
ou autrement il ne maintiendra
le Affiſe. Mes en Affiſe de
Mortdaceſler ou Formedon e
le diſcender, & auters Briefs
(en les queux Title eſt don ou
cōpriſe) port de Rent charge
ou de annual Rent, neſt be-
ſogne de monſtre Eſpecialty.

Et nota bien, que ſi home
grant Rent charge a un autre,
& le Grātee releſſa al Grantor
parcel de le Rent, uncore tout
le Rent neſt extinct.

Si Rent charge ſoit grant a
deux joyntment, & le un re-
leſſa, uncore le autre avera le
moietie del Rent. Et ſi l'un
ſehace le moietie de le Teſ
dont le Rent eſt iſſuant, lau-
ter avera le moietie del Rent
de ſon compaignon. Et ſi le
Diſſeiſor charge la Terre a
un Eſtranger, & le Diſſeiſee
port le Affiſe & recover; le
charge eſt defeare. Mes ſi
celuy que ad droit charge
la Terre, & un Eſtranger
ſaine un faux Action envers
luy que nad droit, & reco-
ver per Default; le charge
demurra.

En caſe Purparty ſoit pent

unless he had the Rent before:
for if he were ſeiſed of the Rent
before, and after the Rent be be-
hind, and he diſtrain, and Re-
cous be made, he ſhall have Af-
fiſe, or a Writ of Reſcous.

In every Wiſe of Rent
charge, and annual Rent, or in
a Writ of Annuity, it behoves
him that brings the Writ to
ſhew an Eſpecialty, or elſe he
ſhall not maintain the Wiſe.
But in an Wiſe of Mortdan-
ceſſor or Formedon in the diſcen-
der or other Writs (in which
Title is giben or comprised)
brought of Rent charge or annu-
al Rent, the Eſpecialty need
not be ſhewen.

And note well, that if a man
grant a Rent charge to another,
and the Grantee releaſe to the
Grantor parcel of the Rent, yet
all that Rent is not extinct.

If Rent charge be granted
to two joyntly, and the one re-
leaſe, yet the other ſhall have the
half of the Rent. And if the
one purchaſe the half of the
Land wherout the Rent is go-
ing, the other ſhall have the
half of the Rent of his compa-
nion. And if the Diſſeiſor charge
the Land to a Stranger, and the
Diſſeiſee bring an Wiſe and re-
cover; the Charge is defeated.
But if he that hath right char-
ges the Land, and a Stranger
ſeign a falſe Action againſt
him who hath no right, and re-
covers by Default, the charge
abides.

In caſe Partition be between

two Parceners, and more Land be allowed to one then to the other, and he that hath most of the Land charges her Land to the other, and he happeth the Rent; he shall maintain Waste without Especialty.

And it is a Rent seck, where a man holds of me by Homage, fealty, and other Services, yielding to me a certain yearly Rent, which I grant to another, reserving to me the other Services.

If Rent seck be granted to a man and to his Heirs, and the Rent be behind, and the Grantor die, the Heir may not distrain, nor shall recover the arrearages of the time of his father, as it is said before of Rent services.

And in the same manner it is of Rent charge, or annual Rent. But in all these Rents the Heir may have for the arrearages in his own time such advantage as his father had in his life. See the Statute 32 H. 8. cap. 37.

And note well, that in Rent seck, if a man be not seised of the Rent, and it be behind, he is without recovery, for that it was his own folly at the beginning, when the Rent was granted him or reserved, that he took not Seisin of it, as a peny or two pence.

A man may not have a Cessavit per biennium, or any other writ of Entry sur Cessavit, for any Rent seck behind by two

deux Parceners, & plus Terre soit allotte a l'un que a l'autre, & el que ad plus del Terre charge sa Terre al autre, & el happe le Rent; el maintiendra Affise sans Especialty.

Et est un Rent seck, lou hōe tient de moy per Homage, Fealty, & autre Services, rendant a moy un certain Rent per an, q' jco grant a un autre, reservant a moy les autres Services.

Si Rent seck soit grant a un home & ses Heirs, & le Rent soit arere, & le Grantor devie; le Heire ne purra my distrainer, ne recouvrer les arrearages de temps son Pere, sicome est avantdit de Rent service.

Et in m le manner est de Rent charge ou annual Rent. Mes ē tous ces Rents le Heire proit aver parrearages en son temps demesne tiel advantage come avoit son Pere en sa vie. Vide Statute 32 H. 8. cap. 37.

Et nota bien, que en Rent seck si home ne soit seisie del Rent, & il soit aderere, il est sans recovery, pur c' que il fuit son folly demesne al primer, quant le Rent fuit grant a luy ou reserve, q; il ne prist my Seisin del Rent, sicome un denier ou deux.

Hōm ne poit aver Cessavit per biennium, ou un autre B're d'entry sur Cessavit, p' aucun Rent seck aderere per deux ans

ans, mes il p[ro]it tant s[ole]ment p[er] Rent service, ut patet in le Stat. *westm.* 2. cap. 21.

Il covient p[lu]y que sue p[er] Rent seck monst[r] Fait al Tenant, autrement le Tenant ne ferra my charge del Rent, forsque lon le Rent seck fuit Rent service adevant; come en cest case: S[ir], Mesne, & Tenant, & chesc' de eux tient de auter per Homage & Fealty, & le Tenant de Mesne per 10 s. de Rent; le Seignior paramount p[re]chase les Terres ou Tenements d[un] Tenant, tout le Seigniorie del Mesne, forprise le Rent extinct: & pur cest cause cest Rent est devenu Rent seck, & le Rent service change, car il ne p[ou]t distraire pur cest Rent; & en cest case celui q[ui] dem[an]da le Rent ne ferra jammes charge de monst[r]e Fait.

Auxy en Brief d[un] Mortdancer, Ayle ou Besayle, de Rent seck, il ne besoigne de monst[r]e Especialtie, pur ceo que ceux Briefs de Possession comprehend[ent] un Titre delus eux mesmes, cestascavoir, que le Ancestor fuit seise de mesme le Rent, & continua son possession; per cause de quel Seisin le Ley suppose q[ue] est auxy averrable per le Pays.

Tam[en] quere, car asc[un] supposant u[n] fine force a m[on]st[r]e fait, p[er] ceo q[ue] Rent seck est u[n] chose ec[on]te c[om]mon droit, auxy bien come Rent charge.

years, but only for Rent service, as it appears in the Stat. *Westm.* 2. cap. 21.

It behooves him that sues for Rent seck to shew a Deed to the Tenant, else the Tenant shall not be charged with the Rent, except where the Rent seck was Rent service before; as in this case: Lord, Mesne, and Tenant, and every of them holds of other by Homage and Fealty, and the Tenant of the Mesne by 10 s. rent; the Lord paramount purchases the Lands or Tenements of the Tenant, all the Seigniorie of the Mesne, but the rent is extinct: and for this cause this rent is become Rent seck, and the Rent service changed, for he may not distrain for this rent; and in this case he that demands the rent shall never be charged to shew a Deed.

Also in a Writ of Mortdancer, Ayle or Besayle, of rent seck, it needs not to shew a Specialty, for that these Writs of Possession comprehend a Title within themselves, that is to say, that the Ancestor was seised of the same rent, and continued his possession, in respect of which Defendant in the Law supposes that it is also averrable by the Countrey.

Yet learn, for some suppose a necessity to shew forth a Deed, because rent seck is a thing against common right, as well as rent charge.

But

But in Writ of Novel disseisin, and in a Writ of Entry sur disseisin brought of Rent seck, it is needful to shew forth a Deed; for that Rent seck is a thing against Common Right, except in the case aforesaid, where it was Rent service before, and by the act of Law it is become Rent seck.

And Writ of Novel disseisin and a Writ of Entry sur disseisin contain within them no Title, but suppose a Disseisin to be done to the Plaintiff; and by the intendment of the Law the Disseisin gibes no cause of Averment against common Right, but there is a necessity to shew forth a Deed.

Repleader.

Repleader is, where the plea of the Plaintiff or Defendant, or both are ill, or an impertinent Issue joyned, then the Court makes void all the Pleas which are ill, and awards the Parties to replead. Coke Entr. 152. and 221, 224.

Replevin.

Replevin is a Writ that lies where a man is distrained for Rent or other thing, then he shall have this Writ to the Sherif, to deliver to him the Distress, and shall find Surety to pursue his Action; and if he pursue it not, or if it be found or judged against him,

Mes en Assise de Novel disseisin, & en Brief de Entry sur disseisin port de Rent seck, il covient de Fine fore m're avant Fait; p' ceo q; Rent seck est un chose encounter comon droit sinon en le case susd'it, ou il sult Rent service adevant, & p' le act del Ley est devenus Rent seck.

Et Assise de Novel disseisin & Brief de Entry sur disseisin ne conteigne delus eux nul Title, mes supposant un Disseisin d'ee fait en le Plaintiff; & de entendment del Ley le Disseisin ne done nul cause de Averment encounter common droit, mes de fine force il monstre avant Especialty.

Repleader.

Repleader est, ou le p'ces de Plaintiff ou Defendant, ou ambl-deux sont male, ou un impertinent Issue joyne, donque le Court annul toutz ceux p'ces queux sont male, & agard quod partes replacitent. Co. En. 152, 221, 224.

Replevin.

Replevin est un Brief que gist quant un home est distreine par Rent ou autre chose, donques il avera cest Brief al Viscount, par deliver a luy le Distresse, & trover Surety de poursuivre son Action; & si il ne pursue, ou si soit trove & judged ca.

encourter luy, donques cestuy que prist le Distresse re-avera Distresse, que est appel' Retourne des Avers; & il avera en tiel case Brief appel' *Retorno habendo*.

Mes si le Defendant a-vow pur Rent il poit aver judgement pur le value des avers per le Statute 17 Car. 2. cap. 7.

Si soit en ascun Franchise ou Bailiwick, le party avera un Replevin del Viscount directe al Bailiff de m^e le Franchise, pur eux redeliver, & il trovera Surety de pursuer son Action al prochain County. Et cest Replevin poit estre remove hors del Countrey en le Common banke p^r Brief de Recordare.

Vide plus de Replevin devant Title Distress.

Auxi vide *Mic.* 2 E. 3. pl. 31. & 7 E. 3. 27 pl. 13. un parol Plevin, ou terr' fuit prist en la main le Roy. Et puis sont deliver ou Replevy hors des mains le Roy, per que veies *Stat.* 9 E. 3. cap. 2.

Brief de *Homine replegiando* gist lou un home est en Prison, & nemy per especial commandement le Roy, ne de ses Justices, ne p^r le mort de home, ne pur le Forcest le Roy; ne pur tiel cause que nest replevisable; donques il avera cest Brief direct al Vicount, que il luy faire estre replevy. Et cest

then he that took the Distress shall have again the Distress, which is called the Return of the Beasts; and he shall have in such case a Writ called *Retorno habendo*.

But if the Defendant avow for Rent, he may have Judgment for the value of the Cattel, by the Statute of 17 Car. 2. cap. 7.

If it be in any Franchise or Bailiwick, the party shall have a Replevin of the Sheriff directed to the Bailiff of the same Franchise, to deliver them again, and he shall find Surety to pursue his Action at the next County. And this Replevin may be removed out of the County unto the Common place by Writ of Recordare.

See more of Replevin in the Title Distress.

Also see *Nich.* 2 E. 3. pl. 31. & 7 E. 3. 27. pl. 13. the word Plevin, where Land was taken out of the Kings hands, and afterwards delivered or replevied out of the Kings hands. For which see *Stat.* 9. 3. cap. 2.

The Writ of *Homine replegiando* lies where a man is in Prison, and not by special commandment of the King, nor of his Justices, nor for the death of a man, nor for the Kings Forest, nor for such cause which is not replevisable; then he shall have this Writ directed to the Sheriff, that he cause him to be

be replebied. This writ is a Justicies, and not retornable. And if the Sheriff do it not, then there shall go forth another writ, *Sicut alias*; and afterward another writ, *Sicut pluries, vel causam nobis significes*, which shall be retornable. And if the Sheriff yet make no Replevin, then there shall issue an Attachment directed to the Coronors to attach the Sheriff, and to bring him before the Justices at a certain day; and farther, that they make execution of the first writ.

Replication.

Replication is, when the Defendant in any Action makes an Answer, and the Plaintiff replies to that; that is called the Replication of the Plaintiff.

Reprises.

Reprises are Deductions, Payments and Duties that go yearly and are paid out of a Mannor; as Rent chare, Rent seck, Pensions, Corrodies, Annuities, Fees of Stewards or Bailiffs, and such like.

Reprive.

Reprive comes from the French *Repris*, that is, taken back; so that to reprive is properly to take back or

Brief est un Justicies; & nient retornable. Et si Vicount ne ceo face, donques isslera auter Brief, *Sicut alias*; & apres auter Brief, *Sicut pluries, vel causam nobis significes*, que serra retornable. Et si le Viscount uncore ne face Replevin; donques isslera un Attachment directed al Coronors dattacher le Vicount, & de luy amesner devant les Justices a un certain jour, & ouster ceo que ils facent execution del prim Brief.

Replication.

Replication est, quant le Defend en alcuna Action fait Respons, & le Plaintiff replie a ceo, ceo est appel le Replication del Plaintiff.

Reprises.

Reprises sont Deductions, Payments & Duties que va annuellement & sont pay hors de un Mannour; come Rent charge, Rent seck, Pensions, Corrodies, Annuities, Fees de Seneschals ou Baylives, & tiels semblables.

Reprive.

Reprive venist del Francois *Repris*, *Resumptus*; issint qz repriver est pperment d resumer un Prisoner

soner del Execution & proceeding del Ley pur ceo temps.

suspend a Prisoner from the Execution and proceedings of the Law for that time.

Requests.

R *Equests* est un Court teigne en le Palace del Roy, devant le Master de Requests p Petition, & semble estre un Court d'Equity.

Requests.

R *Equests* is a Court held in the Kings Palace before the Master of the Requests by Petition, and it seems is a Court of Equity.

Rere County.

R *Ere County* (*Retrocomitatus*) est un pol use en les Stat. *Westm.* 2. c. 39. & 2 E. 3. c. 5. & semble p ceux Stat. desire ase' publique lieu que l' Viscount appolat p le receipt des deniers le Roy apres le fine de son County Court.

Rere County.

R *Ere County* is a word used in the Statutes of *Westm.* 2. cap. 39. and 2 E. 3. c. 5. and seems by those Statutes to be some publick place which the Sheriff appointed for the receiving of the Kings money after his County Court was done.

Resceit.

R *Esceit* est, quant ascun Action est port vers Tenant pur terme de vie ou de ans, & cestuy en le Reversion vient elus, & pria desire recevoir p defend le Terre, & p pleader ovesque le Demandant : Auxy quant il vient, il covient que il soit tous soits prist a pleader ove le Demandant. En mesme le manner un Feme serra recevoir par default sa Baron en Action port vers ambledeux. Et Tenant pur ans serra recevoir a defend son droit, lou, en un Action port vers Tenant del

Resceit.

R *Esceit* is, when any Action is brought against the Tenant for term of life or years, and he in the Reversion comes in, and prays to be received to defend the Land, and plead with the Demandant : And when he comes, it behoves that he be alway ready to plead with the Demandant. In the same manner a Wife shall be received for the default of her Husband in an Action brought against them both. And Tenant for years shall be received to defend his Right, where, in an Action brought against the

Tenant of the Free-hold, he pleads faintly.

Frank-tenement, il plede faintment.

Rescous.

Rescous.

Rescous is a Writ that lies when any man takes a Distress, and another takes it again from him, and will not suffer him to carry the Distress away; this is a Rescous, upon which he may have this Writ, and shall recover damages.

Rescous est un Brief q; gist quant aucun home prent Distress, & un autre repris Distress de luy, & ne volle suffer luy amener l' Distress; ceo est un Rescous, sur quel il poit aver cest Brief, & recovers damages.

Also if one distrain Beasts for damage feasant in his Ground, and drives them in the High way to Impound them, and in going they enter into the House of the owner, and he withhold them there, and will not suffer the other to impound them; that withholding is a Rescous.

Auxy si un distrein Beasts pur damage feasant en sa Terre, & les enchasea per le hault chemin pur eux enparker, & en alant ils entrent en le maison de celuy a que ils sont, & il eux detient la, & ne voile suffer le autre de eux enparker; ceo detainer est Rescous.

Also if a Sheriff takes my Debtor by an Execution, or by mesne Process, and J. S. rescue him out of the Custody of the Sheriff, I may have an Action of Rescous against J. S. for this wrong, and recover Damages and Debt.

Auxy si le Viscount prist mon dettor per Execution ou mesne Process, & J. S. rescue luy hors del Custody del Viscount, Jeo avera action de Rescous versus J. S. pur cest tort & recovers Damages & Debt.

Reservation.

Reservation.

Reservation is taken divers ways, and hath divers natures. As sometimes by way of exception, to keep that which a man had before in him: As if a Lease be made for years of Ground, reserving the great Trees growing upon the same;

Reservation est prise divers voyes, & ad divers natures. Cœ ascū soit p voy de exception, a reserve ceo q; un home ad avant en luy: Come si ū Lease soit fait pur ans de Terre, reservant les grand Arbors croissant sur ceo,

ceo, ore le Lessee ne poit meddle ovesque eux, ne ovesque asc' chose q' vient d' eux; cy longe come il demurt e ou sur les Arbors, come Mast d' Oake, Chesnut, Pomes, ou tiels semblables: mes fils chient del Arbors al terre, donq s' ils sont en droit l' Lessees, car le Terre est Lesse a luy, & tout sur c' nient reserve, &c.

Ascun fois un *Reservation* obtaine & port hors un autre chose q; ne fuit devant: Cõe si un home lessa ses Terres *reservant* annuallme pur c' xx. l. &c. Et divers autres tiels *Reservations* y sont.

Et nota, que en ancient temps lour *Reservations* fuerõt cybien en *Victuals*, soit ceo Carne, Pisse, B'ees, Pane, Boyer, ou autrement, come e' Mooney, tanq; al darreine, & specialment en le temps del Roy Henry le 1. per agreement le *Reservation* de *Victuals* fuit change en prist Mooney, come il ad tanque cy continue.

Residence.

Residence venust d' Latin *Residere*, & est tout un qve *Resiance*, si non que cest parol *Residence* est plus tost appropriate al Continuance dun Parson ou Vicar sur son Eglise ou Benefice; & issint est use en le Stat. de 28 H. 8. cap. 13.

now the Lessee may not meddle with them, nor with any thing that comes of them, so long as it abides in or upon the Trees, as Mast of Oak, Chesnut, Apples, or such like: but if they fall from the Trees to the ground, then they are by right the Lessees; for the Ground is let to him, and all thereupon not reserved, &c.

Sometimes a *Reservation* doth produce and bring forth another thing which was not before: As if a man Lease his Lands, reserving yearly for the same xx li. &c. And divers other such *Reservations* there be.

And note, that in ancient time their *Reservations* were as well in *Victuals*, whether Flesh, Fish, Corn, Bread, Drink, or what else, as in Money, until at last, and that chiefly in the Reign of King Henry 1. by agreement the *Reservation* of *Victuals* was changed into ready Money, as it hath hitherto continued.

Residence.

Residence comes from the Latin *Residere*, and is all one with *Resiance*, but that this word *Residence* is oftner appropriated to the Continuance of a Parson or Vicar upon his Church or Benefice; and so it is used in the Statute of 28 H. 8. cap. 13.

Resignation.

Resignation is, where an Incumbent of a Church resigns or leaves it to the Ordinary, who did admit him to it, or to his Successors; which differs from Surrender, since by that he to whom the Resignation is made hath no interest in the thing so resigned, but he to whom the Surrender is made hath by that the thing it self.

Restitution.

Restitution is, when a Judgment is reversed by Error, then a Writ of Restitution shall issue, to restore to the Defendant in the Action what he hath lost. And there is a Writ of restitution of Golden goods, upon conviction of the Thief which is made at the Sessions or Assizes, on the Statute of 21 H. 8. 11. Noy rep. 128.

Resummons.

Resummons is a Second Summons of a man to answer an Action, where the first Summons is defeated by the Demise of the King, or such other cause. And of this see Coke, lib. 7. fol. 29. b.

Also if a Terr-tenant returned upon a Scire facias, or Defendant in another Action plead non-age, and the Plea stays un-

Resignation.

Resignation est, lou un Incumbent de un Eglise resigne ou relinquish ceo al Ordinarie, que luy ait admit a ceo, ou a ses Successors; que differ del Surrender, quant p cel il a que le Resignation est fait nad aucun Interest en le chose isint resigne, mes cestuy a que surrender est fait avoit per ceo le chose mesme.

Restitution.

Restitution est quant un Judgment est reverse per Error donque Brief de Restitution issira p le Defendant en l'Action a reslorer a luy tout ceo q il ad pds. Est auxi un Brief de Restitution de Biens emblees sur Conviction d'un larc, quel est fait al Session ou Assizes. Sur Stat. 21 H. 8. 11. Noy rep. 128.

Resummons.

Resummons est un Second Summons d'un home p responder al un Action, lou le primer Summons est defeat p le Demise le Roy, ou tiel semblable cause. Et de ceo veies Coke, lib. 7. fol. 29. b.

Auxi si Terr-tenant retourne sur Scire facias, ou auxer Action plead non-age, & le parol demurr tanque, &c.

Quant il veign de p'ein age, le Plaintif, sur suggestion p'aver Scire facias ou resum: Et issint ou plea est stay per pleder de Protection, Excomengement, ou auter tiel disability.

til, &c. When he comes of full age, the Plaintiff, upon a suggestion, may have a Scire facias or resummons: And so when a Plea is stayd by pleading Protection, Excommunication, or such other disability.

Resumption.

Resumption est un parol use en le Stat. de 31 H. 6. c. 7. & est la prise p' le Reprendre en les maines le Roy de tiels Terres ou Tenements come sur faux suggestion ou auter error le Roy ussoit deliver al un Heire, ou grant per Patent al ascun home.

Resumption.

Resumption is a word used in the Statute of 31 H. 6. c. 7. and is there taken for the Taking again into the Kings hands such Lands or Tenements as upon false suggestion or other error he had made Liberty of to an Heir, or granted by Patent to any man.

Retraxit.

Retraxit est le Preterperfect tense of *Retraho*, pur evulser arere; & est, quant le Plaintiff ou p'tle-Demandant veient e pper p'son e le Court lou son Suit est, & dit q; il ne volt *ulterius prosiqui in placito illo*, &c. ceo serra un Barre al Action a tous jours.

Retraxit.

Retraxit is the Preterperfect tense of *Retraho*, to pull back; and is, when the party Plaintiff or Demandant comes in proper person into the Court where his Plea is, and saith he will not proceed any farther in the same, &c. this will be a Bar to the Action for ever.

Reve, ou Reeve.

Reve est un Officer plus conous en ancient t'eps q a cest jour: car chesc' Manmor ad donques un *Reve*, & uncore en divers Copihold-Mannors (ou le veicle custom

Reve, or Reeve.

Reve is an Officer more known in ancient time then at this day: for almost every Manuor had then a Reeve, and yet still in many Copyhold-Mannoys (where the old cus-
dom

from prebails) the name and office is not altogether forgotten. And it is in effect that which now every Bayliff of a Mannor practises, although the name of Bayliff was not then in use amongst us, being since brought in by the Normans. But the name of Reeve, anciently called Greve, (which Particle (Ge) in continuance of time was altogether left out and lost) came from the Saxon word Geresfa, which signifies a Ruler: And so indeed his Rule and Authority was large within the compass of his Lords Mannor, and among his men and Tenants, as well in matters of Government in peace and war, as in the skilful use and trade of Husbandry. For as he did gather his Lords Rents, pay Reprises or Duties issuing out of the Mannor, set the Servants to work, fell and cut down Trees to repair the Buildings and Inclosures, with divers such like, for his Lords commodity; so also he had Authority to govern and keep the Tenants in peace, and, if need required, to lead them forth to war.

Reversion.

Reverſion of a Land is a certain Estate remaining in the Lessor or Donor, after the particular Estate and Possession conveyed to another by

ſvaile) le noſme & office neſt en tout oblie. Et eſt en effect ceo q̄ a ore cheſc' Bailiff d'un Mañor practiſe, nient obſtant le noſme de Bailiff ne ſuit donq̄s eũre enter nous, eſſeant puis port elns p les Normans. Mes le noſme de Reeve, ancientment appel Greve, (quel particle (Ge) en continuance del temps ſuit ouſterment omiſſe & perde) vient del Saxon parol Geresfa, que ſignifie un Ruler: Et ſint verament ſon Rule & Auctoritie ſuit large deins le compaſs del Mañor ſon Seignior, & enter ſes homes & Tenants, cyblien en choſes de Governmẽt en peace & guerre, cõe en le ſkilful uſe & trade de Husbandry. Car ſicome il collect ſes Rents del Sår, pay Reprises ou Durles iſſuant hors del Mannor, appoint les Servants de worker, ſuccide & decoupe Arbres p-repalrer les Edifices & Encloſures, ovesq; divers tiels ſemblables, p le commodite del Selgår; ſint auxy il ad auctoritie de gouverner & gard les Tenants en paix, & ſil beſolgne, & condañter eux en guerre.

Reversion.

Reverſion de Terre eſt un certaine Estate reſtant en le Leſſor ou Donor, apres le particular Estate & Poſſeſſion convey al un autre

auter per Lease p vie ou ans,
ou Done en taile.

Et est appel un *Reversion*
en respect de le possession se-
parate de ceo : issint que il q;
ad l' un nad l' auter a mesme
le temps ; car en un corps si-
mulla ne poit estre dit un Re-
version, par ceo que per l'u-
niting l' un est merge en l'
auter.

Et issint le *Reversion* del
Terre est le Tre mesm quant
il eschueft.

Ribaud.

Ribaud semble d'estre stur-
dy Vagabonds, Rot. Parl.
50 E. 3. 61.

Right, & Right de Entrie.

Right, & Right de Entry.
Veles en Droit.

Riot.

Riot est, toutrois, (al meins)
ou plures font asc' il-
loyal act, come de bater
un hœ, enter sur le possession
d'un auter, vel hujusmodi.

Robbery.

Robbery est, quant un home
prent asc' chose del pson
d'un auter feloniously ; co-
ment q la chose prise soit al

Lease for Life or years, or Gift
in tail.

And it is called a *Reversion* in
respect of the possession separated
from it : so that he that hath
the one, hath not the other at
the same time ; for in one body
at the same time there cannot be
said a *Reversion*, because by the
uniting the one of them is
drowned in the other.

And so the *Reversion* of Land
is the Land it self when it
falls.

Ribaud.

Ribaud seem to be sturdy Va-
gabonds. Rot. Par. 50 E.
3. 61.

Right, & Right of Entrie.

Right, and Right of Entry. See
in Droit.

Riot.

Riot is, when three (at the
least) or more do some un-
lawful act ; as to beat a
man, enter upon the possession of
another, or such like.

Robbery.

Robbery is, when a Man takes
any thing from the per-
son of another feloniously ; al-
though the thing is taken be
co

to the value but of a penny, yet it is Felony, for which the Offendor shall suffer death.

value forsq; d'un denier, uncore il est Felonie, p quel l' Offendor suffera mort.

Rood of Land.

Rood de Terre.

Rood of Land is a certain quantity of Land containing the fourth part of an Acre. Anno 5 Eliz. c. 5.

Rood de Terre est un certaine quantitie d Terre contein le quatre part d'un Acre. Anno 5 Eliz. c. 5.

Rout.

Rout.

Rout is, when people assemble themselves together, and after proceed, or ride, or go forth, or move by the instigation of one or more, who is their Leader. This is called a Rout, because they move and proceed in routs and numbers.

Rout est, quant people assemble eux m, & puis pcedant ou chivauchant, ou alant avant, ou movent p instigation d'un ou plusors, que est Conductor d'eux. Cest appel un Rout, p c' q ils movent & pceed en routs & numbers.

Also where many assemble themselves together upon their own quarrels and bravols; as if the Inhabitants of a Town will gather themselves together to break Hedges, Walls, Ditches, Pales, or such like, to have Common there, or to beat another that hath done them a common displeasure, or such like; that is a Rout, and against the Law, although they have not done or put in execution their mischievous intent. See the Stat, 1 Mar. c. 12.

Item ou plures assemble eux sur leur quarrels & braules demesne; come si les inhabitants d'un Ville vollen assembler eux p disbruiser Heys, Mures, Fosses, Pales, ou tiels semblables, d'aver Common l, ou de bater un autre q; ad fait eux un common displeasure, vel hujusmodi; cest un Rout, & encounter le Ley, coment q ils nont fait ou mis en execution leur male entent. Veies le Statute 1 Mar. c. 12.

S.

S.

*Sac, ou Sake.**Sac, or Sake.*

S*Ake* est Placitum & Emenda de Transg^r hominum in Curia vestra; quia *Sake* Anglice est Encheison Gallice, & *sake* est mis pur sick.

Veies Keloway Casus incerti temporis, f. 145. a. que le privilege appel *Sake* est, d'aver les Amerciements de ses Tenants en son Court de mesme.

S*Ake* is a Plea and Correction of Trespas in your Court; because *Sake* in English is Encheison in French, and *sake* is put for sick.

See Keloway in his Cases incerti temporis, f. 145. a. that the privilege called *Sake* is, for a man to have the Amerciements of his Tenants in his own Court.

*Sacrilege.**Sacrilege.*

S*Acrilege* est quando un emblee ascun Vessels, Ornamentis ou biens de Saint Esglise qⁱ est Felony, 2 Cro. 153, 154.

S*Acrilege* is, when one steals any Vessels, Ornaments, or Goods of Holy Church, which is Felony, 2 Cro. 153, 154.

*Salary.**Salary.*

S*alarie* (*Salarium*) est un parol mult use en n^re Livres, & signifie un Recompence ou Consideration done al asc' pur son labour imple sur les besoign' d'un aut'. Et est issint appel, come Plinie dit l. 31. Nat. Hist. c. 7. quia tam necessarium est quam Sal homini, & labores suos sapit ut Sal cibos.

S*alary* is a word often used in our Books, and it signifies a Recompence or Consideration given a man for his pains bestowed upon another mans business. And it is so called, as Pliny says in the 31 Book of his Nat. Hist. cap. 7. because it is as necessary for a man as Salt, and makes his labor reish as Salt doth his meat.

San-

Sanctuary.

Sanctuary is a Priviledged place by the Prince for the safeguard of mens lives who are Offenders, being founded upon the Law of Mercy, and upon the great Reuerence, Honor and Devotion which the Prince bears to the place wherunto he grants such a Privilege; which was heretofore so great, that the Princes have granted the same in cases of Treason committed against themselves, Murder, Rape, or other Crime whatsoever. Hereof see Stamf. Pl. of the Crown, l. 2. c. 38.

Satisfaction.

Satisfaction is, when a Defendant hath paid a Debt or Damages recovered against him, it behooveth him to have satisfaction, to be entered upon the Record of the Judgment.

Sarpler.

Sarpler is, a quantity of Wool, which in Scotland is called Serplath, and contains 80 Stone; and with us in England a Load of Wool contains (by the opinion of some) fourscore Cob, and every Cob two Stone, and every Stone fourteen Pounds; and that a Pack of Wool is in common account equal with a Load, and a Sarpler the one half of a Pack.

Sanctuary.

Sanctuary est un Lieu privilegé p le Sovereigne p le garder des vies des homes queux sont pechiers, esleant foudue sur le Ley de Mercy, & sur le grand reverence, honour & devotion q le Sovereigne port al lieu a que il granta ciel Privilege: q fult si grand en temps passe, q les Sovereignes ont grant meism en cases de Treason ppetres encounter eux meismes, Murder, Rape, ou autre crime quelcunque. De ceo veies Stamf. Pl. del Cor. l. 2. c. 38.

Satisfaction.

Satisfaction est, quant un Defendant ad pay Debe ou Damages versus luy recover, il covieat a luy d' aver satisfaction d' estre enter sur le record del Judgment.

Sarpler.

Sarpler est un quantite de Lane, q; en *Escofe* est appel Serplath, & containe 80 Stone; & ove nous en *Angleterre* un Corde de Lane confissa (per l'opinion d' ascuns) de 80 Todde, & chesc' Todde contains deux Stone, & chescun Stone 14 Livers; & q; un Sack d lane est en usual estimation egal ove un Corde, & un Sarpler le moietie d'un Sack.

• Scan-

Scandalum magnatum.

Scandalum magnatum est un Male report invêr ou disperse al prejudice ou slander d' afeun grand personage ou Officer d'l Realm. Le punisment p que est enact p divers Statutes, viz Westm. i. c. 33. 2 R. 2. c. 5. & 12 R. 2. c. 11.

Scavage.

Scavage ou *Shewage* est un Tolle exact p les Malors, Viscounts & Bailiffs des Cities & Boroughs corporate, pur wares ou merchandise monstres destre vendus deins leur pçincts & jurisdiction: quel Exaction, esteâr encont' le privilege des subjects, le Roy, fait inhibite per un Statute fait 19 H. 7. c. 8. Veies 21 H. 7. f. 14. a. & veies, le Stat. de 22 H. 8. c. 8. in fine.

Major, &c. de London portent p cel duty, hiis verbis *Pro supervisa apertionis* H. 18, 19. C. 2. B. R. Roll. 625.

Scire facias.

Scire facias est un Brief judicial issuant hors de Record, & gis lou un ad recover Dette ou Damages en Court le Roy, & il ne sue pas d' aver Execution deins l' an & le jour; donqs apres l' an & le jour l' avera il dit Brief a garner le partie: &

Scandalum magnatum.

Scandalum magnatum is an Evil report invented or dispersed to the prejudice or slander of any great personage or Officer of the realm. The punishment of which is enacted by divers Statutes, viz Westm. i. c. 33. 2 R. 2. c. 5. & 12 R. 2. c. 11.

Scavage.

Scavage or *Shewage* is a Toll exacted by the Mayors, Sheriffs and Bailiffs of Cities and Towns Corporate, for wares or merchandise shewed to be sold within their precincts or jurisdiction: which Exaction, being against the privilege of the Kings subjects, was prohibited by a Statute made in 19 H. 7. c. 8. See 21 H. 7. f. 14. a. and see the Statute of 22 H. 8. c. 8. in the end thereof.

The Mayor, &c. of London brought debt for this duty, by these words, *Pro supervisa apertionis* H. 18, 19 C. 2. B. R. roll 625.

Scire facias.

Scire facias is a writ judicial going out of the record; and lies where one hath recovered Debt or Damages in the Kings Court, and does not to have Execution within the year and the day; then after the year and the day he shall have the said writ to warn the party: and if the

the party come not, or if he come and say nothing to discharge or say the Execution, then he shall have a Writ of *Fieri facias* directed to the Sheriff, commanding him to levy by the Debt or Damages of the goods of him that hath lost.

The Writ of *Fieri facias* lies within the year, without any *Seire facias* sued.

Also if the sum of the same Debt or Damages may not be levied of the Goods of him that hath lost them, he may have a Writ of *Elegit*, commanding the Sheriff to deliver him the one half of his Lands and Goods, except his Oxen and implements of Plow.

When one hath recovered Debt or Damages in an Action personal, (where the Process is a *Capias*) he may have another Writ of Execution, called a *Capias ad satisfaciendum*, to take the Body of him that is so condemned, which shall be committed to prison, there to abide without Bail or mainprise, till he hath satisfied the party.

And when one hath Judgment to recover any Lands or Tenements, he shall have a Writ called *Habere facias seisinam*, directed to the Sheriff, commanding him to deliver to him Seisin of the same Land so recovered. See more of that in the Titles *Fieri facias*, and Execution.

si le partie ne vient, ou si vient & ne seavoit riens dire encounter Execution, donques il avera un Brief de *Fieri facias* direct al Viscount, luy commandant que il levie le Dette ou les Damages des Biens d'celuy q'avoit perdue.

Le Bre de *Fieri facias* gist deins l'an, sans aucun *Seire facias* suer.

Auxy si le sume d' mesme le Dette ou Damages ne poit estre levie des Biens de celuy q'avoit pdue, donques il poit aver un Bre d' *Elegit*, direct al Viscount, que il face luy deliver la moietie de sa Terre & Biens, except ses Boves & affries de sa Carue.

Quant un ad recover Det ou Damages en Action personal, (lou le Proces est un *Capias*) il poit aver un autre Bre d' Execution, appel *Capias ad satisfaciendum*, pur prendre le Corps celuy q' est issint condamne, que terra commir al prison, illonques a demurrer sans Baile ou mainprise, tanq; il ad satisfie le partye.

Auxy quant un ad Judgment de recover aucun Terres ou Tenements, il avera un Bre appel *Habere facias seisinam*, direct al Viscount, luy commandant delivrer a luy Seisin de mesme le Terre issint recover. Veles puis de ceo en les Titles *Fieri facias*, & Execution.

Le Brief supra est done p Statute Westm. 2. cap. 45. Mes auxi sont auters manners de Scire facias ; scil. super Audita Querela Brevia de Erroribus corrigendis, tam ad audiendos errores, q̄ quare Executionē habere non debeat, & versus terrtenent super Iudiciis & hujusmodi.

Scot.

Scot est, quietum esse de quadam Consuetudine, sicut de comuni Tallagio facto ad opus Vic' vel Balliv' ejus.

Scotale.

Scotale est un Extortion prohibet per le Charta del Forrest, cap. 7. & est lon aucun Officer del Forrest tenuit un Alehouse, al intent que poit aver le custome des Inhabitants delns le Forrest, de vender & expender leur deniers ove lui, & pur ceo il conives a leur offences commise delns le Forrest.

Second deliverance.

Second deliverance, est un Brief fait p le Filacer a reliver avers distreine puis q̄ le Plaintiff est Non-suit en un Replevin. *Pls. Com.* 274. Dyer 41.

The Writ abovesaid is given by the Statute of Westm. 2. cap. 45. But there are also other manner of Scire facias ; Scil. upon Audita Querela, Writs of Error as well to hear errors, as wherefore the Plaintiff ought to have Execution, against terrtenants upon Judgments, and the like.

Scot.

Scot is, to be quit of a certain Custom, as of common Tallage made to the use of the Sheriff or Bailiff.

Scotale.

Scotale is an Extortion prohibited by the Statute of Charta de Foresta, cap. 7. and it is where any Officer of the Forrest keeps an Ale-house, to the intent that he may have the Custom of the Inhabitants within the Forrest, to come and spend their money with him, and soz that he shall win at their Offences committed within the Forrest.

Second deliverance.

Second deliverance, is a Writ made by the Filacer, to deliver Cattle Distreined, after the Plaintiff is Non-suit in Replevin, *Plow. Com.* 274. Dyer 41.

Se defendendo.

SE defendendo is a Plea for him that is charged with the death of another, saying, that he was driven unto that which he did, in his own defence. *Stamf. Pl. Cor. lib. 1. cap. 7.*

Seigniori in Gros.

SEigniori in Gros. *See* Lord in Gros.

Selion.

SELion comes of the French Selion; that is, the Ground running between two Furrows, in Latine *Parca* a Ridge; and it is not of any certain quantity, but sometimes more, and sometimes less. And therefore *Crompton* in his Jurisdiction of Courts, fol. 221. saith, that a Selion cannot be demanded, because it is uncertaint.

Seneshal.

SEneshal (Steward) is a French word borrowed of the Germans, and signifies one that hath the dispensing of Justice in some particular Cases: as *Stamf. Pl. of the Cor.* fol. 152. B. the High Steward of England, or of the affairs of a Family, as *Cromptons Jurisdiction*, fol. 102. Steward of the Kings Household, and 25 E. 3. Stat. 5. cap. 21. and others.

Se defendendo.

SE defendendo est un Plee pour luy que est charge avec mort de un autre, disant qu'il fult compelle a ceo qu'il faisoit, en son defence mesme. *Stamf. Pl. Cor. lib. 1. cap. 7.*

Seignirie en Grosse.

SEignirie en Grosse. *Vesles* Lord en Grosse.

Selion.

SELion (*Selion*) venust del Francois *Sellon*, id est, Terra elata inter duos sulcos, en Latine *Parca*; & nest aucun certain quantite, mes aucun foits containe plus, & aucun foits meins. Et par *Crompton* en son *Jurisdiction des Courts*, fol 221. dit qu'un Selion ne poit estre demand, co que est uncertaln.

Seneshal.

SEneshal (*Seneschallus*) est un pol Francois emprant del Germonois, & signifie un qui avolt le dispensation del Justice en asc' p'cular cases; cōe *Stamf. Pl. Cor. fo. 152. B.* le grand Seneschal del Angleterre, ou des affaires dun Famille cōe *Cromptons Jurisdiction*, f. 102. Seneschal de Hoſel le Roy, & le Stat. de 25 E. 3. Stat. 5. c. 21 & auters.

Est

Est auxi home erudite appoint p le Seignieur de un Mannor a tener Courts leet ou Baron, *Coke 1 Inst. f. 58. 61.*

He is also a learned man appointed by the Lord of a Mannor to hold Courts Leet or Baron. *Co. 1 Inst. 58. 61.*

Sequestration.

Sequestration est le Mitter apart dū chose in controverse del possession d ambideux q contend pur ceo. Est use auxy p le act dun Ordinary, qnt nul voit intromitter oves les biens & char' dun q est mort, come en 4. & 5. M. Dyer fol. 106. b. & 7 El. Dyer fo. 232. a. Et issint est use auxy p le Collect' des fruits & profits dun Benefice q est void, al use del prochain Incumbent, per le Statute de 28 H8. cap. 11.

Sequestration.

Sequestration is the setting aside of a thing in controversy from the possession of both those that contend for it. It is used also for the act of an Ordinary, when no man will meddle with the goods and chattels of one deceased, as 4 & 5 M. Dyer fol. 106. b. & 7 Eliz. Dyer 232. a. And so it is used also for the gathering of fruits and profits of a Benefice void, for the use of the next Incumbent, by the Statute of 28 H. 8. cap. 11.

Service de Chevalier.

Tener per Service de Chevalier est, a tener p Homage, Fealty, & Escuage; & treit a luy Gard, Marriage, & Reliefe.

Et nota, q Service de Chevalier est Service d Terres ou Tenements, pur armes porter en Guerre en defence del Royalm; & doit Garde & Marriage appent, p reason q nul est able, ne de power, & ne poit aver conseil de armis porter, devant q il soit del age de 21 ans. Et al fine que le Shr ne perdera ceo que de droit il poit aver, & q la power de la Royalm en rien ne

Knights Service.

To hold by Knights Service is, to hold by Homage, Fealty, and Escuage; and it draws to it Ward, Marriage, and Relief.

And note, that Knights Service is Service of Lands or Tenements, to bear arms in War in defence of this Realm; and it owes Ward and Marriage, by reason that none is able, nor of power, nor may have knowledge to bear arms, before he be of the age of 21 years. And to the end that the Lord shall not lose that which of right he ought to have, and that the power of the Realm be

nothing weakned, the Law
withs, because of his tender age,
that the Lord have him and his
Lands in his Ward till full age,
that is to say, xxi years.

But see the Stat. 12 Car. 2.
cap. 24. whereby all Tenures
are turned into free and com-
mon Soccage.

Sessions.

Sessions is a Sitting of Ju-
stices in Court upon their
Commission: as the Sessions
of Oyer and Terminer, Stamf. Pl.
Cor. fol. 67. Quarter Sessions,
otherwise called General Ses-
sions, or open Sessions, 5 El. c. 4.
opposite whereunto are *Prisby*
or especial Sessions, which are
procured upon some especial
occasion, for the speedy expedi-
tion of Justice, Crompt. Justice
of P. fol. 110. What things are
enquirable in General Ses-
sions, see Crompt. as above, and
fol. 109. Petit Sessions, or Sta-
tute Sessions, are held by the
high Constables of every Hun-
dred, for the placing of Ser-
vants. An. 5. El. cap. 4. in the end,

Severance.

Severance is the Singling of
two or more that are joyned
in a Writ: As if two are joy-
ned in a Writ De libertate proban-
da, and the one afterward is
non-suited, in this case Seve-
rance is permitted, so that not-
withstanding the Nonsuit of

soit enfeeble, la le Ley voef,
p cause de son tender age, q
le Sür. luy avera en la Gard
tanque al pleine age de luy.
cessalcavoir, 21 ans.

Mes veies le Stat. 12 Car.
2. cap. 24. p quel tout Tenures
sont verse en free & common
Soccage.

Sessions.

Sessions est un Selance des
Justices en Court sur leur
Commission: come les Ses-
sions de Oyer & Terminer, Pl.
Cor. fo. 67. Quarter Sessions,
autermit appel General Ses-
sions, ou over Sessions, 5 El.
c. 4. encounter qux sont Pri-
vate ou especial Sessions, queux
sont pcuré p ase especial oc-
casion, p le plus subite selace
de Justice, Crompt. Just. de P. fo.
110. Queux choses sont en-
quirable en General Sessions,
veies Crompt. ut supra, & fo.
109. Petit Sessions, ou Sta-
tute Sessions, sont tenus p le
hault Cōstable de chesc' Hun-
dred, pur le placing de Ser-
vants. An. 5. El. c. 4. in fine.

Severance.

Severance est le Mlti' hors
de un ou plusors que sont
joyne en un Brief: Come si
deux sont joyñ en un B're De
libertate probanda, & puis lun
soit nonsuit, en cest case Se-
verance est permit, issint q
nient obstant le Nonsuit de
lun

lun le auter poit severalmēt p-
ceed, F. N. B. fol. 78. De c'
veies Brook tit. Severance &
Summons, f. 238. Car est pluis
dus a cognostre en queux ca-
les Severance est pmit, q̄ quel
y est. La est auxy Severance
en Affise, Veil Livre d' En-
tries, f. 81. col. 4. Et Seve-
rance en Attaint, f. 95. col. 2.
Et Severance en Dit, f. 200.
col. 1. Et Severance en Quare
impedit, Coke, lib. 5. f. 97.

Sewers.

Sewers semble desirer un pa-
rol compound des deux
parols Francois, Seoir, se-
der, & Eau, Aqua, pur ceo que
les Sewers sont Commission-
ers que sont, per virtue de
leur Commission & authori-
ty foundue sur divers Sta-
tutes, d' inqulre de tous
Nusances & Offences faits
per lestopper des Rivers, e-
recter des Molins, non re-
pairer des Banks & Bridges,
&c. & pur taxer & rat' tous
queux poit concern, p̄ le amē-
der des tous defaults que sont
al hindrance del frank passage
del Eau per ses vieux &
ancient currants. Veies le
Stat. 6 H. 6. cap. 5. & 23 H. 8.
cap. 5. pur le forme de leur
Commission.

the one, the other may alon
proceed. F. N. B. fol. 78. Of
of this Brook, tit. Severance &
Summons, fol. 238. For it is
harder to know in what cases
Severance is permitted, then
what it is. There is also Seve-
rance in Affise, Old Book of En-
tries, fol. 81. col. 4. And Severance
in Attaint, fol. 95. col. 2. And Seve-
rance in Debt, fol. 200. col. 1. And
Severance in Quare Impedit, Coke,
l. b. 5. fol. 97.

Sewers.

Sewers seems to be a word
compound of two French
words, Seoir, to sit, and Eau,
Water, for that the Sewers are
Commissioners that sit, by
virtue of their Commission and
Authority grounded upon di-
vers Statutes, to enquire of all
Nusances and Offences com-
mitted by the stopping of Ri-
vers, erecting of Mills, not
repairing of Banks and
Bridges, &c. and to tax and
rate all whom it may con-
cern. for the amending of all
defaults which tend to the
hindrance of the free passage of
the Water through her old and
ancient Courses. See the Sta-
tute of 6 H. 6. cap. 5. & 23 H. 8.
cap. 5. for the form of their Com-
mission.

Shack.

Shack. Shack is a peculiar name of Common use in the County of Norfolk, and Cattel go to Shack, &c. as much to say as to go at liberty, or to go at large. And this Custom called Shack, which in the beginning was but in nature of a Feeding, because of vicinage, for abiding of Suits, in some places within this County is by Custom altered into the nature of Common appurtenant or appurtenant, and in some places it retains its Original Nature. Coke, lib. 7. fol. 5. *pariter* & 10. *pariter* lib. 7. fol. 5. *pariter*

Shewing. Shewing is to be quit with Attachment in any Court, and before whomsoever, in Plaints shewed, and not allowed. *pariter* & 10. *pariter* lib. 7. fol. 5. *pariter*

SOC is Suetor. Men in Four Court, according to the custom of the Hundred.

Socage. Socage is a tenure of any Word Lands or Tenements, paying him a certain Rent by the year for all manner of Services.

To hold by Socage is not to hold by Knights Service,

Shack. Shack est un peculiar nomm de Common use en le pays de Norfolk, & Avers, de aler a Shack, est tant adire come de aler a libertie, ou de aler a large. En cest Common appelle Shack, q en le Commencement fuit forsq; en nature de un Feeding, par cause de vicinage, p avoirding d Suits, en alcun lieux dein cest Pays est p custom alter en nature dun Common appendant ou appurtenant, & en alcun lieux c. retaine son Original Nature. Coke l. 7. f. 5. *pariter* & 10. *pariter* lib. 7. fol. 5. *pariter*

Shewing. Shewing est, quicum esse cum Attachamento in aliqua Curia, & coram quibuscunque, in Querelis ostensis, & non advocatis.

Soc. Soc est Secta de homin in Curia vestra, secundum consuetud Regni.

Socage. Tener en Socage est, a tener d alcun Seignolour Terres ou Tenements, rendant a luy un certaine Rent p an p tous maners des Services.

Tener per Socage nest pas ten per Service: de Chivaler

valer, ne la appent Gard, Marriage, ne Relief: mes ils doubleront un foits leur Rent apres le mort leur Ancestor, selonque ceo q̄ soloyent payer a leur Seignour.

Et ils ne ferreront ouster mesure greeves, come il appiert en le *Treatise de Gards & Relief*.

Et nota, que Socage est, en trois manners; cestale: Socage en frank Tenure, Socage en ancient Tenure, & Socage en base Tenure.

Socage en frank Tenure Est quant un tient de un p Fealty & certain Rent par tous manners d' Services, come devant est dit.

Et de tous Terres tenus en Socage le procheine amy avera le Garde, a que le Heritage ne purra my descendir tanque al age le Heire del 14 ans: cestale: avoir, si le Heritage velgā per le part le Pere, ceux del part le Mere averont le Gard; & contra.

Si Gardian en Socage fait Waste, il ne ferra my impeache de Waste, mes il rendra accompt al Heire quant il viendra al pleine age d 21 ans. Et veies l' Stat. de *Marlebridge ca. 17.* par cest matter.

Socage de ancient Tenure est ceo lou les gens tenoyent en Ancient Demesne, que ne soloyent aver Bfe avoir q̄ le Bfe de Droit close, que suit determine *Secundum consuetu-*

nor doth Ward, Marriage, or Relief belong to it: but they shall double once their Rent after the death of their Ancestor, according to that that they be wont to pay to their Lord.

And they shall not be above measure grieved, as it appears in the *Treatise of Wards and Relief*.

And note well, that Socage is in 3 manners; that is to say, Socage in free Tenure, Socage in ancient Tenure, and Socage in base Tenure.

Socage in free Tenure is, when one holds of another by Fealty and certain Rent for all manner of Services, as is before said.

And of all Lands holden in Socage the next of kin shall have the Ward, to whom the Heritage may not descend till the age of xiv years: that is to say, if the Heritage come by the part of the Father, they of the part of the Mother shall have the Ward; and contrariwise.

If the Guardian in Socage make Waste, he shall not be impeached of Waste, but he shall yield accompt to the Heir when he shall come to his full age of 21 years; for which see the *Statutes of Marlebridge ca. 17.*

Socage of ancient Tenure is that where the people held in Ancient Demesne, who were wont to have no other Writ than the Writ of Right close, which was determined According to the Custom

some

some of the Mannor, and the Monstraverunt, to discharge them when their Lord distrains them to do other Services than they ought.

This writ of Monstraverunt ought to be brought against their Lord: and these Tenants hold all by one certain Service, and are free Tenants of Ancient Demesne.

Soccage is base Tenure is, where a man holds in Ancient Demesne, that may not have the Monstraverunt, and for that it is called the base Tenure.

Sockmans.

Sockmans are the Tenants in Ancient Demesne, that hold their Lands by Soccage, that is, by Service with the Plow, and therefore they are called Sockmans, which is as much to say, as Tenants or men that hold by Service of the Plow, or Plow-men; for Sok signifies a Plow.

And these Sockmans, or Tenants in Ancient Demesne, have many and divers Liberties given and granted them by the Law, as well those Tenants that hold of a common person, as those that hold of the King in Ancient Demesne; as namely to be free from paying Toll in every Market, Fair, Town and City, throughout the whole Realm, as well for their Goods and Charters that they sell to o-

diem Manerii, & l' Monstraverunt; pur eux discharge quant leur Sür eux distreine pur faire auter Services que duissent.

Cest Brief d' Monstraverunt doit estre port envers leur Sür: & ceux Tenants teignent toutes par un certain Service, & sont franke Tenants de Ancient Demesne.

Soccage en base Tenure est, lou home tient en Ancient Demesne, que ne polt avoir le Monstraverunt, & pur ceo il est appelle le base Tenure.

Sockmans.

Sockmans sont les Tenants en Ancient Demesne, queux tient leur Terres p Soccage; cest adire, p Service d' Carue, & p ceo ils sont appelle Sockmans, que est tant adire come Tenants ou homes queux tient par Service del Carue, ou hōes del Carue: Car Sok signifie un Carue.

Et ceux Sockmans, ou Tenants en Ancient Demesne, ont plusieurs & divers Liberties done & grant a eux p l' Ley, cybien ceux Tenants quux tient de un cōmon person, come ceux quux tient del Roy en Ancient Demesne; come noismement desre quite de payer Toll en chescun Market, Fair, Ville, Chie, per tout le Royalme, cybien p leur Biens & Chartels que ils vende as auters, come pur

ceux choses que ils achate-
ront p^r leur provision. Et sur
ceco chescun de eux poit suer
de aver Letters Parents de-
sout le Seale le Roy, directe
a les Officers, & al Maiors,
Bailliffs, & auters Officers en
le Royaulme, de suffer eux
desire quit de Tolle : desire
exempt del Leets & d^e Turns
de Vic : item desire quit de
Pontage, Murage, & Passage ;
& auxy de Taxes & Tallages
grant per Parliament, foon
que l' Roy taxe Ancient De-
mesne, come il poit a son
pleasure, pur grand cause :
desire quit de payment a les
expences del Chivalers del
Shire, queux vient al Parlia-
ment.

Et si le Viscount voil di-
streyner eux, ou ascun de
eux, desire contributorie
pur leur Terres en Ancient
Demesne, donques l' un de
eux, ou tous, come le case
require, poir suer un Brief
directe al Viscount, luy com-
mandant que il ne compelle
eux desire contributories al
expences de Chivalers. Et
misme le Brief luy command
auxy, que si il ad distrain eux
pur ceo, que il redeliver m^e
le Distresse.

Item que ils ne deveront
estre impannel, ne mis en
Juries & Enquests en le
Pays hors de leur Mannor
ou Seigniorie de Ancient De-
mesne, sⁱ les Terres queux ils
seigne la, finon que ils ont

thers, as for those things that
they buy for their Provision.
And thereupon every of them
may sue to have Letters Pa-
rents under the Kings Seal,
directed to his Officers, and to
the Maiors, Bailliffs, and other
Officers in the Realm, to suffer
them to be Toll-free : to be ex-
empt from Leets and Sheriffs
Turns : also to be quit of Pon-
tage, Murage, and Passage ; as
also of Taxes and Tallages
granted by Parliament, except
that the King tax ancient De-
mesne, as he may at his plea-
sure, for some great cause : to
be free from payments toward
the expences of the Knights of
the Shire that come to the
Parliament.

And if the Sheriff will di-
stain them or any of them, to
be contributory for their Lands
in Ancient Demesne, then one
of them, or all, as the case re-
quires, may sue a Writ directed
to the Sheriff, command-
ing him that he do not com-
pel them to be contributory to
the expences of the Knights.
And the same Writ doth com-
mand him also, that if he
have already distained them
therefore, that he redeliver the
same Distress.

Also that they ought not to
be impannelled, nor put in
Juries and Enquests in the
Country out of their Man-
nor or Lordship of Ancient
Demesne, for the Lands that
they hold there, (except that
they

they have other Lands at the Common Law, for which they ought to be charged.) And if the Sheriff do return in Pannels, then they may have a Writ directed to him, *De non ponendis in Assisis & Juratis*: And if he do the contrary, there lies an Attachment against him.

And so it is also if the Bailiffs of Franchises, that have return of Writs, will return any of the Tenants which hold in Ancient Demesne in Assises or Juries.

Sodomy.

Sodomy, in the Indictment for this offence it is said, *Rem veneream habuit & peccatum illud Sodomiticum* (inter Christianos non nominandum) felonice commisit.

Spoliation.

Spoliation is a Suit for the Fruits of a Church, or for the Church itself; & it is to be sued in the Spiritual Court, and not in the Temporal. And this Suit lies for one Incumbent against another, where they both claim by one Patron, and where the right of the Patronage doth not come in question or debate. As if a Parson be created a Bishop, and hath dispensation to keep his Benefice; and afterward the Patron presents another Incumbent, which is instituted

autres Terres al Common Ley, pur queux ils deveront estre charge.) Et si le Viscount retourne eux en Pannels, donques ils poyent aver un Brief direct a luy *De non ponendis in Assisis & Juratis*: Et sil face al contrary, y gist Attachment envers luy.

Et issint est auxy si les Bailiffs des Franchises, queux ont Return des Briefs, voile retourne ascun del Tenants queux teigne en Ancient Demesne en Assises ou Juries.

Sodomy.

Sodomy, en le Indictment ꝑ ceo' offence est dit, *Rem veneream habuit & peccatum illud Sodomiticum* (inter Christianos non nominandum) felonice commisit.

Spoliation.

Spoliation est un Suit ꝑ les Fruits dun Esglise, ou pur le Esglise mesm; & est destre sue en le Spiritual Court, & nemy en le Temporal. Et cest Suit gist pur un Incumbent envers un autre, lou ils ambideux claime per un Patron, & lou le droict del Patronage ne vient en question ou debate. Cōe si un Parson soit cree ū Evesque, & ad dispensation de ten son Rectorie, & puis l' Patron ꝑ'ent aur' Encumbēr, q' est institue

& induit : ore Evêque poit aver envers cestuy Encumbent un *Spoliation* en le Spiritual Court, pur ceo que ils ambideux claime p un Patron, & le droit del Patronage ne viert en debate, & p ceo q le auter Encumbent vient al possession del Benefice per le course del Ley Spiritual, ecclesiastical, per Institution & Induction, issint que il ad colour de aver ceo, & destre Parson p le Spiritual Ley : car antierment, sil ne soit institut & induit, &c. *Spoliation* ne gist envers luy, mes plussost un Brief de Trespasse, ou un Aitise de *Novel disseisin*, &c.

Issint auxy est lou un Parson que ad Pluralite accept auter Benefice, per reason de que le Patron present un aut Clerk a que est institut & induit : ore le un de eux poit aver *Spoliation* envers le auter, & donques viendra en debate si il ad un sufficient Pluralite ou non. Et issint est de Deprivation, &c.

Mesme le ley est, ou un dit a le Patron, que son Clerke est mort, sur que il present un auter : la le primer Encumbent, que suit surmise destre mort, poit aver un *Spoliation* envers le auter. Et issint en divers autres seblables cases, de ques veies *Fitz. Nat. Br. fo. 36. G. & 6.*

and induited : now the Bishop may have against that Incumbent a *Spoliation* in the Spiritual Court, because they claim both by one Patron, and the right of the Patronage both not come in debate, and because the other Incumbent came to the possession of the Benefice by the course of the Spiritual Law, that is to say, by Institution and Induction, so that he hath colour to have it, and to be Parson by the Spiritual Law : for otherwise, if he be not instituted and induited, &c. *Spoliation* lies not against him, but rather a Writ of *Trespasse*, or an Aitise of *Novel disseisin*, &c.

So it is also where a Parson who hath a Plurality both accept another Benefice, by reason whereof the Patron presents another Clerk, who is instituted and induited : now the one of them may have *Spoliation* against the other, and then shall come in debate whether he has a sufficient Plurality or not. And so it is of *Deprivation*, &c.

The same law is, where one saith to the Patron, that his Clerk is dead, whereupon he presents another : there the first Incumbent, who was supposed to be dead, may have a *Spoliation* against the other. And so it is in others other like cases, whereof see *Fitz. Natura Br. fo. 36. G. & 6.*

Stableland.

Stableland is a term of the Forreſt Laws, when one is found ſtanding in the Forreſt with his Bow bent ready to ſhoot at any Deer, or with his Grey-hounds in a Leſſe ready to ſlip. *See Manw. Forreſt Laws. cap. 18. fol. 133. b.*

Stallage.

Stallage ſignifies money paid for pitching Stalls in Fairs or Markets, or the right of doing it.

Standard.

Standard *Des Eſtandard.*

Statinary.

Stannary are Courts by ancient cuſtom held in Cornwall for ſuits concerning the Trade of Tin.

Statute-Merchant.

To hold by Statute-Merchant is, where a man acknowledges to pay money to another at a certain day before the Mayor, Bailiff, or other Warden of any Town that hath power to make execution of the ſame Statute, and if the Obligor pay not the Debt at the day, and nothing of his Goods, Lands or Tenements may

Stableſtand.

Staleſtand eſt un terme del Forreſt Leys, quant un eſt trove eſtant en le Forreſt ove ſon Arc tend priſt de eſcocher, al un Dame, ou oveſq; ſes Levriers en un Leſſe priſt de gilſſer. *Veies Manw. For. Leys, Ca. 18. fo. 133. b.*

Stallage.

Stallage ſignifie argent pay pur pitching Stalles in Nundinals & Mercar', ou le droit de ceo faiſant.

Standard.

Standard. *Veies Eſtandard.*

Stannary.

Stannary ſont Courts y ancient Cuſtom reigne en Cornwall p ſuits concernant le Trade de Tin.

Statute-Merchant.

Tener per Statute-Merchant eſt, lou hōe conuſt a payer deniers a un auter a certain jour devant l' Malor, Bailiff, ou auter Gardain de aſcun Ville que ad poyar de faire execution de meſme le Statute, & ſi le Obligor ne pay a le Det a le jour, & rien de ſes Biens, Terres ou Tenements ne purront eſtre tro-

ves deins le Gard le Malor ou Gardain avandit, mes en auters lieux dehors, donques le Recognisee suera le Recognisance & Obligation ove un Certificacion a la Chancery desour le Seale le Roy, & il avera hors de la Chancery un *Capias* al Viscount del County lou il est, de luy prendre, & miter luy en prison, si il ne soit Clerke, tanque il ad fait gree de la Dette. Et un quarter de le an apres ceo que il serra prise, il avera sa Terre deliver a luy meisme, pur faire gree a le partie de le Dette: & il poit vender sa Terre tanque il est en prison, & son vendition serra bone. Et si il ne face gree deins le quarter dun an, ou sil soit returne que il nest trove, & sil ne soit Clerke, adonques le Recognisee poit aver Brief de les Chancery, appel *Extendi facias*, direct al ascun Viscount, des entender les Terres & Biens, & les Biens a luy deliver, & luy seiser en ses Terres, a tener eux a luy, ses Heires & Assignes, tanque le Debt soit levie ou pay; & pur cel temps il est Tenant par Statute-Merchant.

Nota, que en un Statute-Merchant le Recognisee a vera Execution de tous les Terres que le Recognisor avoit jour de la Recognisance fait, & ascun

be found within the Ward of the Mayor or Warden aforesaid, but in other places without, then the Recognisee shall sue the Recognisance and Obligation with a Certificacion to the Chancery under the Kings Seal; and he shall have out of the Chancery a *Capias* to the Sheriff of the County where he is, to take him, and to put him in prison, if he be not a Clerk, till he have made satisfaction for the Debt. And one quarter of a year after he is taken, he shall have his Land deliverd to himself, to make gree to the party for the Debt: and he may sell his Land while he is in prison, and his sale shall be good. And if he do not make satisfaction within a quarter of a year, or if it be returned that he is not found, and if he be not a Clerk then the Recognisee may have a Writ out of the Chancery, called *Extendi facias*, directed to any Sheriff, to extend his Lands and Goods, and to deliver the Goods to him, and to lease him in his Lands, to hold them to him, his Heirs and Assigns, till the Debt be levied or payed; and for that time he is Tenant by Statute-Merchant.

Here, that in a Statute-Merchant the Recognisee shall have Execution of all the Lands which the Recognisor had the day of the Recognisance made, and any time af-

ter, by force of the same Statute.

And when any Waste or Destruction is made by the Recognisee, his Executors, or him that hath his Estate, the Recognisor or his Heirs shall have the same Law, as is before said of the Tenant by Elegit.

If Tenant by Statute-Merchant hold over his term, he that hath right may sue against him a *Venire fac' ad computandum*, or else enter immediately, as upon Tenant by Elegit. See the Statute 11 E. 1. and of *Asson. Burnel*, and 13 E. 1. *De Mercatoribus*.

Starr-chamber.

Starr-chamber was an High Court held in the Starr-chamber at Westm. before the King, Peers and Judges, abolished per Stat. 17 Car. cap. 10.

Strebrech.

Strebrech, alias Strebrech, is the Breaking, Obstructing, or making less of a Way.

Stilyard.

Stilyard is a word used in the Statute of 22 H. 8. chap. 8. where the Hanse-Merchants are called the Merchants of the Stilyard, which is a place in London where these Merchants or their Brotherhood had their abode. And the House is said

temps puls, per force de fin le Statute.

Et quant aucun Waste ou Destruction est fait per le Recognisee, ses Executors, ou celui q; ad son Estate, le Recognisor ou ses Heires averont mesme la Ley, come est suisdit d le Tenant p Elegit.

Si le Tenant per le Statute-Merchant vient ouster son terme, celui q; ad droit poit suer enyers luy un *Venire fac' ad computandum*, ou enter tantost, sicome sur Tenant p Elegit. Veles l Statute 11 E. 1. & de *Asson. Burnel*, & 13 E. 1. *de Mercatoribus*.

Starr-chamber.

Star-chamber suit un haut Court teigne in Camera stellata a westm. devāt le Roy, les Peers & Judges, abolish p Stat. 17. Car. 2. cap. 10.

Strebrech.

Strebrech, alias Strebrech, i. *Via Fractio, Obstructio, vel diminutio*.

Stilyard.

Stilyard est un parol use en le Statute de 22 H. 8. cap. 8. lou les Merchants *Tuto-nicks* sont appellees les Merchants del Stilyard, que est un lieu e Londres lou ceux Merchants ou le Fraternity deux ad leur abode. Et c' Mease est dit

dit destre l'issue appel, p' c' q' edefie sur un Court pres le Thames, ou Aeler soloit destre usualment vendus.

to be so called, because built upon a Court-yard near the Thames, where Steel was wont to be much sold.

Sub poena.

Sub poena est le nom de un Brief fait en divers Courts de Ley & Equity; viz. in Chancery & tous autres Courts a summoner tesmoins, & en ceo Court & en le Exchequer en Ley & Equity, & in le Common Pleas sur Informations, *qui tam*, &c. & l'issue en le Crown Office sur Informations.

Sub poena.

Sub poena is the name of a Writ made in divers Courts of Law and Equity; viz. in Chancery, and all other Courts, to summon Witnesses, and in that Court and in the Exchequer in Law and Equity, and in the Common Pleas upon Informations, *qui tam*, &c. to summon Defendants and in the Crown Office upon Informations.

Suffragan.

Suffragan est un parol use en le Statute de 26 H. 8. cap. 14. & signifie un titular Evêque, ordeine deayder & assister l'Evêque des Diocès en son Spiritual Function. Et est appel *Suffraganeus* en Latine, pur ceo q' per son *Suffrage* Ecclesiastical causes sont est' adjudges.

Suffragan.

Suffragan is a word used in the Statute of 26 H. 8. cap. 14. and signifies a Titular Bishop appointed to aid and assist the Bishop of the Diocese in his Spiritual Function. And he is called *Suffraganeus* in Latin, because by his *Suffrage* Ecclesiastical Causes are to be adjudged.

Suggestion.

Suggestion est, un Information trahe en Escrip, montrant cause per aver un Prohibition, quel est relinque en Court, & est mention en le Stat. 2 Ed. 6. cap. 13.

Suggestion.

Suggestion, is an Information drawn in writing, shewing cause to have a Prohibition, which is left in Court, and is mentioned in the Statute 2 E. 6. cap. 13.

Sumage.

Sumage seems to be Toll for Carriage on Horseback. Cro. Jurisd. f. 191.

Summons ad Warrantizandum, &c.

Summons ad Warrantizandum, and Sequatur sub suo periculo: See of them after in the Title Voucher.

Supercargo, or Supracargo.

Supercargo, or Supracargo, is a Factor or Agent which goes with a Ship beyond the Seas, by order of the Owner of the Vessels therein, and disposes thereof: And the Master of the Ship is obliged to perform the Orders of such Factor or Supercargo.

Superfedeas.

Superfedeas is a Writ that lies in divers cases, as appears by F.N.B. f. 236. A. but it is always a command to stay some ordinary Proceedings in Law, which ought otherwise to proceed.

Sumage.

Sumage semble estre Toll pur Carriage per chival. Crompt. Jurisd. f. 191.

Summons ad Warrantizandum, &c.

Summons ad Warrantizandum, & Sequatur sub suo periculo: Veies de ceux apres en le Title Voucher.

Supercargo ou Supracargo.

Supercargo ou Supracargo, est un Factor ou Agent q̄ ale ove un neif ouster le mere per order del Proprietor des Merchandizes en ceo, & dispose d'eux: Et le Master del neif est obligé a performer les Orders de tel Factor ou Supercargo.

Superfedeas.

Superfedeas est un B̄re que gist en divers cases, come appliert p̄ F.N.B. f. 236. A. mes est tous foits un Precept p̄ parler asc' Proceſſe en Ley, q̄ autrement doit ordinarment pceder.

Supplicavit.

Supplicavit est un Brief issuant hors del Chancery direct al Viscount & ascuns Justices del Peace en le Countie, ou al un ou plus Justices del Peace sans le Viscount, p le prender del Suretie d'un riel vers q; est prie, q; il gardera le Peace: & ceo est p le Statute 1 E.3.c.16. Veies F.N.B. f.80. C. & veies ore le Statute de 21 Jac. c. 8.

Sur cui in vita.

Sur cui in vita est un Breve q; gist p l'Heir d'un Inheritrix, lou le baron alien l'Inheritance sa feme, & le feme morust devant q; el ad ceo recover en un *Cui in vita*. Veies de ceo F.N.B. f. 194. C.

Surplusage.

Surplusage venust del Francois *Surplus*, id est, *Additamentum*, & signifie le Ley, un Addition plus q; besoigne, q; ascun folz est le cause que un Breve abate, mes en pleader multz folz est absolument void, & le residue del Plea esjoyera bon.

Surrejoinder.

Surrejoinder est un Responsal Rejoind del Defendär,

Supplicavit.

Supplicavit is a Writ issuing out of the Chancery, directed to the Sheriff and some Justices of the Peace in the County, or to one or more Justices without the Sheriff, for taking Surety of such a one as it is prayed against, that he should keep the Peace: and this is by the Statute of 1 E.3.c.16. See F.N.B. f. 80. C and see the Stat. 21 Jac. c. 8.

Sur cui in vita.

Sur cui in vita is a Writ that lies for the Heir of an Inheritrix, whose Husband aliened the Inheritance of his Wife, and the Wife died before she recovered in a *Cui in vita*. See in this F.N.B. 194. C.

Surplusage.

Surplusage comes of the French *Surplus*, that is an Overplus, and signifies in the Law an Addition of more then needs, which sometimes is the cause that a Writ shall abate, but in pleading many times it is absolutely void, and the residue of the Plea shall stand good.

Surrejoinder.

Surrejoinder is an Answer to the Defendants Rejoinder,

or a second enforcing of the
Plaintiffs Declaration.

ou un second enforcemēt del
Declaration le Plainif.

Surrender.

Surrender.

Surrender is the Consent of a particular Tenant, that he in the Reversion of the Remainder shall presently have the possession. And this is either Surrender in Deed by an actual yielding up of the Estate; or in Law, by the taking of the new Lease, or such other act. See of this, Perkins c. 9.

Also it is an act done to the Lord of a Mannor, or his Steward, of a Copy-hold Estate; or done by special Custom of some Mannors to two Copy-hold Tenants of Mannors, which surrender, ought to be presented at the next Court Baron.

Surrender (*Sursurreddictio*) est le Consent d'un particulier Tenant, q; cestuy en le Reversion ou le Remainder viendf maintenant al possession. Et ceo est ou ū Surrend ē fait p un actual redoner d l Estat; ou ē Ley, p acceptance d'un novel Lease, ou tiel aut act. Veies de ceo Perkins, c. 9.

Auxi est un act fait al Seigneur del Mannor ou son senescal de Estate Copy-hold, ou fait per special Custome d'ascun Mannors, a deux Copy-hold Tenants del Mannors, quel surrender, doit estre present al pecheine Court Baron.

Swainmote.

Swainmote.

Swainmote, or Swannimote, is a Court held thrie in a year within a Forrest, by the Statute of Charta de Foresta, c. 8. for all the free-holders of the Forrest, for so much the Etymology of the word imports; More in the Norman speech signifying a Court, and Swain in the Saxon a Charterer, or free-holder: so that Swainmote is the Court of the free-holder. See of this Manwoods Forrest Laws, cap. 23. f. 217, &c. at large.

Swainmote, in this Court, Presentments of Offences done to

Swainmote, ou Swannimote, est un Court tenuz trois fois en un deins un Forrest, p le Statute de Charta de Foresta, c. 8. p tous les Franktenants del Forrest; car issint l' Etymologie del parol monstf, More en le language Normannia significant un Court, & Swain en le Saxon un Charterer, ou Franktenant: issint q; Swainmote est le Court des Franktenants. Veies de c Manw. Fo. Lys, c. 23. f. 217; &c. at large.

Swainmote, ē cest Court, Presentmēt d Offēces al Forestou game

Game sont faits & dones eins
Justices en Eyr.

the Forrest or Game are made
giben into the Justices in Eyr.

Syb & Som.

Syb & Som.

Syb & Som. i. Pax & Secu-
ritas. L. L. Eccles. Canoni
Rgis, c. 17.

Syb & Som. i. Peace and Se-
curity. L. L. Eccles. Canoni Re-
gis, c. 17.

Symony.

Symony.

Symony est un Contract il-
loyal fait p aver un home
prescat al Rectory ou Vicar-
age, quel est prohibite p Stat.
31 Eliz. cap. 6.

Symony is an unlawful Con-
tract made to have a man
presented to a Rectory or Vi-
carage, which is prohibited by
Stat. 31 Eliz. cap. 6.

T.

T.

Fee-tail.

Fee-tail.

TEnir en le Tail est,
lou home tient cer-
tain Terres ou Te-
nements a luy &
a ses Heires de son corps en-
gendres.

Si le Terre soit done a un
home & a ses Heires males,
& il ad issue male, il ad Fee-
simple; q. suit adjudge E Par-
liamt. Mes lou Tfs ou Te-
nements sont dones a un hōc
& a ses Heires males de son
corps engendres, il ad Fee-
tail, & l'issue female ne ser-
ra inherite; ut patet Anno
14 E. 3. en un Assise, 18 E.
2. 45.

To hold in the Tail is,
where a man holds
certain Lands or Te-
nements to him and
to his Heirs of his Body be-
gotten.

If the Land be given to a
man and to his Heirs males,
and he hath issue male, he hath
fee-simple; which was ad-
judged in Parliament. But
where Lands are given to a
man and to his Heirs males of
his body begotten, then he hath
fee-tail, and the issue female
shall not inherit, as appears in
the 14 year of E. 3. in an Assise
18 E. 3. 45.

Fee-

Fee-tail is, where the Land is given to a Man and the Heirs of his Body begotten; and he is tailed, Tenant in Tail general.

If Lands are given to the Husband and Wife, and the Heirs of their two Bodies begotten, then the Husband and the Wife are Tenants in Tail especial. And if one of them die, he that survives is Tenant in Tail after possibility of issue extinct; and if he make Waste, he shall not be impeached for it.

But if the King give Lands to a man & to his Heirs males, and the Donee dies without issue male, then the Cousin collateral of the Donee shall not inherit, but the King shall re-enter: and so it was adjudged in the Exchequer-chamber, 18 H. 8. in an Information made against the Heir of Sir T. Lovel Knight.

Tail after possibility.

To hold in the Tail after possibility of issue extinct is, where Land is given to a Man and his Wife, and the Heirs of their two Bodies engendered, and one of them survives the other without issue between them begotten: he shall hold the Land for term of his own life, as Tenant in the Tail after possibility of Issue extinct; and notwithstanding that he do Waste, he shall never be Im-

peached. Fee-tails est, l'on Terre est done a un home & a ses Heires de son corps engendres; & il est dit Tenant en le Taille general.

Si Terre soit done al baron & feme, & al Heires de leur deux corps engendres, ore le baron & la feme sont Tenants en le Taille especial. Et si un d'eux devie, cestuy q survive est Tenant en le Taille apres possibilitie d' issue extinct; & si il face Waste, il ne serra impeich de ceo. Vide Littleton.

Mes si le Roy done Terres a un home a ses Heires males, & le Donee devie sans issue male; donques le Cousin collateral del Donee ne inheritera, mes le Roy re-entera: & issint fuit adjuge en l'Exchequer-chamber 18 H. 8. en un Information fait vers l'Heire de Sir T. Lovel Chevalier.

Taille apres possibilitie.

Tener en le Taille apres possibilitie d' issue extinct est, l'on Terre est done a un home & a sa feme, & a les Heirs de leur deux corps engendres, & l' un d'eux survive l' autre sans issue enter eux issuant; il tiendra le Terre a terme de sa vie demesme, come Tenant en le Tail aps possibilitie d' Issue extinct; & non obstant q; il fait Waste, il ne serra jammes impeach de

de ceo. Et si l'alien, celuy en le Reversion ne a vera Brief d' Entry in consimili casu, mes il poit enter, & son Entry est congeable, per R. Thorpe chief Justice, 28 E. 3. 96. & 45 E. 3. 25.

Tales.

Tales est un Supplie de homes impanel' sur un Jourie ou Enquest, & nient apparant, ou a leur apparence challenge pur le Plaintiff ou Defendant cōe. Nient indifferrent, & en cest case le Judge sur petition grantai au Supplie desire fait p'le Vic', d'aicuns homes la p'sent, legallen reputation ove ceux qui furent impanel; & sur c' le verie act d' suppliant est appel *Tales de circumstantibus*. Cest supplie puit estre d'un ou pluis, & de cy plusors cōe ou feront default ou feront challenge p' ase' p'le. *Stamf. Plac. Cor. l. 3. c. 5.* Uncore cestuy q' avoit ad un *Tales*, ou sur default ou challenge, comit il ne poit aver un autre p'cof il ne poit aver le dessein de continuer cy plusors cōe le prim: car le prim *Tales* doit estre defouth le nombre del principal Panel, sinon en un cause d' Appel; & il sint chesc' *Tal'* meins q' aut', jesque le nombre soit repleit d' homes present en Court, & tels que sont sans exception al partie ou parties. Veies *Stam-*

peached of it. And if he alien, be in the Reversion shall not have a writ of Entry in consimili casu, but he may enter, and his Entry is lawful, by R. Thorpe, chief Justice, 28 E. 3. 96. & 45 E. 3. 25.

Tales.

Tales is a Supply of men impanelled upon a Jury of Inquest, and not appearing, or at their appearance challenged for the Plaintiff or Defendant as not indifferent, and in this case the Judge upon Petition grants a Supply to be made by the Sheriff, of some men there persons equal in Reputation to those that are impanelled: and hereupon the very act of supplying is called a *Tales de circumstantibus*. This Supply may be one or more, and of as many as shall either make Default, or else be challenged by each party. *Stamf. Plac. Cor. l. 3. c. 5.* Howbeit he that hath had one *Tales*, either upon Default or challenge, though he may have another yet he may not have the latter to contain so many as the former: for the first *Tales* ought to be under the number of the principal Panel, except in a case of Appeal; and so every *Tales* is so continued, until the number be made up of men present in Court, and such as are without exception to the party or parties. See *Stamford*

in the place before, where you may find some exceptions to this general Rule: See *Brook*, f. 105. and *Coke*, l. 10. f. 99. *Bewfages Case*.

Talwood.

Talwood is a term used in the Statutes of 34 & 35 H. 8 c. 3. and 7 E. 6. c. 7. and 43 Eliz. cap. 14. and signifies such Wood as is cut into short Billets, for the using whereof those Statutes were made.

Tax and Tollage.

Tax and Tollage are Payments, as *Tenches*, *Fifreens*, *Subsidies*, or such like, granted to the King by Parliament.

The Tenants in Ancient demesne are quit of these Taxes and Tollages granted by Parliament; except the King to tax Ancient demesne, as he may when he thinks good for some great cause. See *Ancient demesne*.

Tenant Paravail.

Tenant Paravail. See *Paravail*.

ford è le lieu devant, ou vous poyes trover ascuns exceptions, al cest general Rule. Veies *Brook*, f. 105. & *Coke*, l. 10 f. 99. *Bewfages Case*.

Talwood.

Talwood est un terme use en les Statutes 34 & 35 H. 8 c. 3. & 7 E. 6. c. 7. & 43 Eliz. c. 14. & signifie del Bois q est coup en brief Billers, par le sizer des queux ceux Statutes fueront ordeines.

Tax & Tollage.

Tax & Tollage sont paymens, come *Dismes*, *Quinzims*, *Subsid*, ou riels seblables, grant al Roy p Parliamt.

Les Tenants en Ancient demesne sont quites de ceux Taxes & Tollages grants per Parliament; sinon q; le Roy taxe Ancient demesne, come il polt quant a luy pleist pur grand cause. Veies *Ancient demesne*.

Tenant Paravail.

Tenant Paravail. Veies *Paravail*.

Tender.

Tender est un act fait a payer un penalty d'obligation, & des denyers due p rent ou contract devant distresse ou Action port, & ou doit estre plead, & ou refusal est perempory. Vide Coke, 1 Instit. 207, 208, 211. & encore prest.

Tenure in Capite.

Tenure in Capite est, lou ascient del Roy come de son Person esteant Roy, & de son Corone, come d'un Seignorie per luy mesme en grosse, & en chiefe desuls tous autres Seignories: Et ne may luy is tient de luy come de aucun Mannor, Honor, ou Castle, sinon cesulac ancient Honors; ut patet in Saccario. Veis le Stat. 12 Car. 2 cap. 24.

Terme dans.

Tener a terme dans nest fors que Chattel en effect; car nul Action est maintainable envers Termor qui a recoverer le Franktenement, nul Franktenement esteant en luy. Lease a Terme dans est Chattel real, & tous Biens moveables sont Chattels personal.

Tender.

Tender, is an act done to save a penalty of a Bond, and of Money for Rent or Contract before Distress or Action brought, and where it may be pleaded, and where refusal is perempory. Vide Coke, 1 Institut. 207, 208, 211. & encore prest.

Tenure in Capite.

Tenure in Capite is, where any hold of the King as of his Person being King, and of his Crown, as of a Lordship by it self in gross, and in chief, above all other Lordships: And not where they hold of him as of any Mannor, Honor, or Castle, except certain ancient Honors; which appears in the Exchequer. See the Stat. 12 Car. 2 cap. 24.

Term of years.

To hold for term of years, but a Chattel in effect; for no Action is maintainable against the Termor for recovery of the Freehold, no Freehold being in him. Lease for Term of years is a Chattel real, and all Goods which are removeable are Chattels personal.

Testament.

TESTAMENT is thus defined in *Flowdens Commentaries*; A Testament is a Witness of the mind, and is compounded of these two words, *Testatio* and *Mentis*, which so signifie. Truth it is, that a Testament is witness of the mind, but that it is a compound word, *Aulus Gellius*, lib. 6. cap. 12. doth deny to an excellent Lawyer, *Servius Sulpicius*, and saith, it is a simple word, as are these, *Calceamentum*, *Paludamentum*, *Pavimentum*, and divers such like. And much less is *Agreementum*, a compound word of *Aggregatio* and *Mentium*, as is said before in the Title of Agreement; for there is no such Latine word, simple or compound: but it may nevertheless serve well for a Law-Latine word.

And therefore thus it may better be defined; A Testament is the true Declaration of our last Will, in that we would to be done after our death, &c.

Of Testaments there are two sorts, namely, a Testament in Writing, and a Testament in Words, which is called a Nuncupative Testament; which is, when a Man being sick, and for fear lest death, want of memory, or speech, should come so suddenly upon him, that he should be prevented, if he said

Testament.

TESTAMENT est ainsi défini ou expound en *Flowdens Commentaries*; *Testamentum est Testatio mentis*, & est compound de ceux deux parols, *Testatio* & *Mentis*, que ainsi signifie. Veray il est, que un Testament est *Testatio mentis*, mes q' il est un compound parol, *Aulus Gellius*, lib. 6. cap. 12. denie ceo al un excellent Lawyer, *Servius Sulpicius*, & dit, q' il est un simple parol, come sont ceux, *Calceamentum*, *Paludamentum*, *Pavimentum*, & divers tiels semblables. Et mult moins est *Agreementum* un compound parol de *Aggregatio* & *Mentium*, com' est dit en le Title de Agreement; car il n'y ad nul tiel Latine parol, simple ou compound: mes il poit nient obstant serve bien pur un Ley-Latine parol.

Et p' c' il poit ainsi estre melior défini; *Testamentum est ultima Voluntatis justa sententia, eo quod quis post mortem suam fieri vult*, &c.

De Testaments il y ad deux sorts, sc. un Testament en Escrip't, & un Testament per Parol, q' est appelle un Nuncupative Testament; q' est, quant un home esleant malade, & pur pavor que mort, ou fault de memorie, ou de parler, voyt venir cy soudainement sur luy, que il ferra pre-

Sf 2

vent,

vent, si il demurt le scripture de son Testament, request ses vicines ou amies de porter reſſmoigne de son darreligne Volunt; & donques declare ceo presentmēt per parols devant eux, q̄ apres son deccese est prove per Testmoignes, & mis en script per le Ordinarv, & donques il est ē cy bone force come si c' ad al prim en le vie del Testator ell' mis en escript: except solemēt p̄ Terres, q; ne sont devisable forsque p̄ un Testament mis en escript en la vie del Testator.

the writing of his Testament, desires his Neighbors and Friends to bear witness of his last Will, and then declares the same presently by words before them, which after his deccese is proved by Witnesses, and put in writing by the Ordinarv, and then stands in as good force as if it had at the first in the life of the Testator been put in writing: except onely for Lands, which are not devisable, but by a Testament put in writing in the life of the Testator.

Thanus.

THANUS est un perol q̄ asc' foits implia un Noble hom̄, asc' foits un Frank-hōc, un Magistrate, un Officer ou Minister, Lambert verbo *Thanus Skene* dit, que est ū nom̄ d' dignitv, & appliert desirer equal ove le firz de un Count. Et *Thanus* sūit un Frank-tenant tiendront ses Terres del Roy: & un hom̄ prise ove le frang accuse de Larcenie, null bon testmolgn' esciant port vers luy, devoit purger luy m̄ per le serement de 27 hōes, ou de 3 *Thanes*. *Thanagium Regis* implia un certain pt des Terres le Roy ou proprietie, de que le Rule & government appertient a luy. q̄ p̄ ceo est appel *Thanus*; car *Demania Regis* & *Thanagia* significant un & mesme le chose.

Thanus.

THANUS is a word which sometimes signifies a Noble-man, sometimes a free-man, a Magistrate, an Officer or Minister, Lambert in the word *Thanus Skene* saith, it is a name of dignity, and appears to be equal with the son of an Earl. And *Thanus* was a free-holder, holding his Lands of the King: and a man taken with the manner accused of Larceny; no sufficient proof being brought against him, must purge himself by the Oath of 27 men, or 3 *Thanes*. The Kings *Thanage* signifies a certain part of the Kings Lands or property, whereof the rule and government appertains unto him, who therefore is called *Thanus*: for the Kings *Demains*, and the Kings *Thanage* signifies one and the same thing.

Therē.

Theftbote.

Theftbote is, when a man takes any Goods of a Thief, to save and maintain him: and not when a man takes his own Goods, that were stoln from him, &c.

The punishment in ancient time of Theftbote was of Life and member: But now at this day Stamford saith it is punished by Ransom and Imprisonment. But enquire farther, for I think it is Felony.

Them.

Them, that is, That you shall have all the generations of your Villains, with their Wives and Cattel, wheresoever they shall be found in England, except that if any Bond-man shall remain quiet one year and a day in any Priviledged Town, so that he shall be received into their Communalty or Guild, as one of them; by that means he is delivered from Villainage.

Tithes.

Tithes. See Dismes.

Title.

Title is, where a lawful cause is come upon a Man to have a thing which another hath, and he hath no Action for the same; as Title of Mort-

Theftbote.

Theftbote est, quant home prist ascun biens dun Laron, de luy favourer & maintenir: & nemy quant home prist ses biens demesū q; fueront emblees de luy, &c.

Le punishment en ancient temps de Theftbote fait de Vie & de member: Mes a ore Stamford dit que il est punish p Ransome & Imprisonment. Sed quare, car jeo pense ceo estre Felonie.

Them.

Them, hoc est, Quod habetis totam generationem Villanorum vestrorum cum eorum Sectis & Catallis, ubicunque in Anglia fuerint inventa; excepto quod si aliquis Nativus quiet' p unum anñū & diem in aliqua Villa privilegiata manserit, ita quod in eorū Communiam vel Gildam, tanquam unus illorum, receptus fuerit, eo ipso a Villenagio liberatus est.

Tithes.

Tithes. Veles Dismes.

Title.

Title est, lou loyal cause est veigne a un home de aver chose que autre ad, & il nad ascun Action pur ceo; come Title de Mortmain,

ou de enter pur Condition
enfreint.

main, or to enter for breach of
Condition.

Title de Entre.

Title of Entry.

T*itle de Entre* est, quant un
seise de Terre en fee
fait Feoffment de ceo sur Cō-
dition, & le Condition est en-
freint: apres quel, le Feoffor
ad T*itle de entre* en le Terre,
& issint poit quāt a luy pleist,
& per son Entr*e* le Frank-
tenement serra dit en luy
maintenant.

Et est appel *Title de Entre*
pur ceo que il ne poit aver
Br ef de Droit envers son Fe-
offee sur Condition, car son
droit suit hors de luy per le
Feoffment, le quel ne poit
estre reduce sans Entr*e*, & le
Entr*e* doit Est*r* pur le enfrein-
der de le Condition.

T*itle of Entry* is, when one
seised of Land in fee makes
a feoffment thereof upon Con-
dition, and the Condition is
broken: after which, the fe-
offor hath *Title* to enter into
the Land, and may so do at his
pleasure, and by his Entr*y* the
freehold shall be said to be in
him presently.

And it is called *Title of Entry*,
because he cannot have a Writ
of Right against his feoffee up-
on Condition, for his right was
out of him by the feoffment,
which cannot be reduced with-
out Entry, and the Entry
must be for the breach of the Con-
dition.

Toft.

Toft.

T*oft* est un lieu en que un
Mense fult un foirs este-
ant, mes est ore tout eschue
ou erase.

T*oft* is a place wherein
a House once stood, but
is now all fallen or pulled
down.

Tol, ou Tolne.

Tol, or Tolne.

T*ol* ou *Tolne* est plais
properment un payment
use en Cites, Villes, Mar-
kers & Fairs, pur biens &
carrals port la desire achate
ou vende: & est tous foirs
desire pay per le Achatour,
& nemy per le Vendor, sinon
que soit aucun Custome al
contrarie.

T*ol*, or *Tolne*, is most proper-
ly a payment used in Cities,
Towns, Markets, and Fairs,
for Goods and Cattel brought
thither to be bought and sold:
and is always to be paid by the
Buyer, and not by the Seller,
except there be some Custom o-
therwise.

Ther

There are divers other Tols ; as Turn Tol, which is where Tol is paid for Beasts that are driven to be sold, although they be not sold indeed.

Tol-travers is, where one claims to have a half penny, or such like Tol, of every Beast driven over his ground.

Through Toll is, where a Town prescribes to have certain Toll for every Beast that goes through their Town, or for every score or hundred : which seems not to be so unreasonable a Prescription or Custome as some have thought, though it be through the Kings High-way, (as they call it) where every man may lawfully go ; if there be one thing for another : As if there be a Bridge, or suchlike commodity, provided at the costs and charges of the Town, for the ease of Travellers that will be that way, whereby their Journey is either shortened or bettered, why then may not Toll be lawfully and with good reason demanded of them ? &c.

But divers Citizens and Townsmen are free from paying Toll, by grant of the King or his Ancestors, or do claim the same by Prescription or Custom. So also Spiritual persons and Religious men were quit of paying Toll for their Goods and Merchandizes bought and sold, &c. But now the Statute of 21 H. 8. cap. 3. wills, that they shall not Merchandise.

Il y ad divers autres Tols ; come Turn Tol, que est lon Tol est pay pur Avers, queux sont drives desre vendus, coment que ils ne sont vendus.

Tol travers est, lou un claime daver un ob. ou tiel semble Tol, de chescun Beast drive sur son terre.

Through Tol est, lou un Ville prescribe de aver certain Tol pur chescun Beast que ale through leur Ville, ou pur chescun vint ou cent : q; ne applert desre cy unreasonable Prescription ou Custome, come ascuns ont suppose, nient obstant il soit per le Hault chemin del Roy, (si come ils ceo appel) lou chesc' poit loyalmnt pais, si y ad quid pro quo : Come si la soit un Pont, ou tiel semblable commodity, purvey al costs & charges del Ville, pur le ease d' travailleurs que chase mesme voy, per que leur journey est ou abridge ou fait le melieur, pur que donques ne poit Tol estre demand loyalmnt & ove bone reason de eux ? &c.

Mes divers Citizens & Burghesses sont quite de payer Tol, per le grant del Roy ou ses ancestors, ou claime c' per Prescription ou Custome. Issint auxy Spiritual persons & Religious homes fueront quite de Tol pur leur biens & merchandizes achate & vendus, &c. Mes ore le Statute del 21 H. 8. c. 13. voit que ils ne marchandisera.

Item

Item Tenants en ancien demesne doient estre quite per toute le Realme d' payer Tol, cōe appiert devāt en le Title *Sockman*. Et en tous casēs ou Tol est demand de eux q; doyent aler, achate, & vende quite de Tol, la le party ou parties greuve poyent aver un Brief *De essendo quietum de Tolonio*, direct a luy ou ceux que issint demand Tol contra al grant le Roy ou ses proge-nitors, ou contra al Custome ou Prescription.

Tolt.

Tolt (*Tolta*) venust del Latine *tollo*, & est un Brief p que un Cause dependant en un Court-baron poit estre illonques remove en le County Court devant le Viscount Veies de ceo *Fitz Nat. Brev. fol. 3. F. & Viil. N. B. fl. 2. 4.*

Tonnage.

Tonnage est un Custom ou Impost pay al Roy pur merchandize Import ou export en Tuns; ou asc' tiels vessels, solong; un certainē rate en chesc' Tun. Et de c' poies lier en les Statutes de 12 E. 4. c. 3. 6 H. 8. c. 14. 1 E. 6. c. 13. & 1 Jac. c. 33. mes especialment 13 Car. 2. c. 4.

Also Tenants in ancient demesne ought to be quite throughout the whole Realm of paying Tol, as appears before in the Title *Sockmans*. And in all cases where Tol is demanded of them that should go, buy, and sell Toll-free, there the party or parties grieved may have a Writ *De essendo quietum de Tolonio*, directed to him or them that so demand Toll contrary to the grant of the King or his Progenitors, or contrary to Custom or Prescription.

Tolt.

Tolt comes from the Latine *tollo*, and is a Writ by which a Cause depending in a Court-baron may be from thence removed into the County Court before the Sherif. See of this *Fitz. Nat. Brev. fol. 3. F. and Old Natura Brevium, fol. 2. a.*

Tonnage.

Tonnage is a Custom or Impost paid unto the King for Merchandize carried out or brought in in Tuns, or such like Vessels, according to a certain rate in every Tun. And of this you may read in the Statutes of 12 E. 4. cap. 3. 6 H. 8. c. 14. 1 E. 6. c. 13. and 1 Jac. c. 33. but especially 13 Car. 2. cap. 4.

Totted.

TOtted is a term used in the Statute of 42 E. 3. c. 9: and signifies a Note to be made in the Exchequer-Roll that goes out of the Exchequer to the Sheriff, of all such Debts as are paid unto the Sheriff, so that they be not again demanded of the party, nor the King deceived. See the Statute.

Transcript.

TRanscript, this most commonly signifies the certification of a Record upon a Writ of Error from the Kings Bench in Ireland unto the B. B. in England, or from that Court unto the Exchequer Chamber, for the Record it self is not certified, but a Transcript: But out of C. B. and other inferior Courts, the Record is quite taken away by the Writ of Error, and remains in B. B. Co. Estr. 2. 24, 37.

Travers.

TRavers sometimes signifies to Deny, sometimes to Overthrow or undo a thing done. For the first, Westm. p. 2. sect. 54. speaking of an Answer to a Bill in the Chancery, saith, It is that which the Defendant pleads or says in bar to avoid the Plaintiffs Bill or Action, either by confession and avoiding, or by denying and traversing the material points of it: And again, Sect.

Totted.

TOtted est un terme use en le Statute de 42 E. 3. cap. 9. & signifie un Note desre fait en le Rolle des Excheats q; is- suit hors del Exchequer al Visr, des touts tiels Debts come sont payes al Visr is- sint q; ne poyet eslr aut' foies demand del party, ne le Roy deceive. Veies le Statute.

Transcript.

TRanscript, ceo plus communement signifie le certification d'un Record sur Bfe d'Error hors de B. le Roy en Ireland en B. R. en Angl' & de cel Court en la Court de Exchequer Chambre, car le Record mesme n'est certifie, mes un transcript: Mes hors de C. B. & autres Inferiour Courts le Record, est tout oustrement toll p le Bfe d'Error, & remain in B. B. Coe Estr. 2. 24, 37.

Travers.

TRavers asc' foits implia a Denyer, ascun foits a Subvertir ou defaire un chose fait. Pur le prim, Westm. p. 2. sect. 54. parlante d'un Respons a un Bill en le Chacery, dit, Que il est c' q le Defend- ant pleade ou dit en barre de avoider le Bill del Pl' ou Action, ou p confession & avoydance, ou per deniant & traversant des material points du ycel; Et arere Sect. 55 un Repli-

Replication est le parlance del Pl^e ou Reply al Respons del Defendant, qⁱ doit de affirmer & poursuivre son Bill, & conuivre, & avoyder, denyer, ou traverser le Resp^s del Defendant; & les formal parols de cest Travers sont, *Sans oio*, ou en *Latine*, *Abque hoc*. Veies *Kitch. fol. 227.*

L'auter significati^o est trove en *Stamf. Prerog. cap. 20.* per tout le Chapter, que parlât del *Traversing d'un Office*, diz, Que c' est riens auter forsque approuver que un Inquisition fait de biens ou terres per le Escheator est defectiue, & fausement fait. Il s'ent *Traversing d'un Indictment* est, a prendre Issue sur le prim^e matter du yeel, que est riens auter que a faire contradiction, ou denyer le point d' Indictment: Com^e en Presentment vers A par un Hault chemin surround ove eau, pur default de escourance d'un Fosse q; il & ceux q; Estare il ad en certain Terres la ont use d' escowrer & clenfer, A poit traverser ou le matter, cest adire, Que la nest ase' Hault chemin la, ou que le Fosse est sufficient escowre, ou auterment il poit araverfer le Cause, Que il nad le Terre, &c. ou que il & ceux que Estare, &c. ont use de escowrer le Fosse, *Lamb. Eirenarch. lib. 4. pag. 521. de Travers.* Veies tout le Chapter en *Kitch. fol.*

55 A Replication in the Plaintiffs speech or Reply to the Defendants Answer, which must affirm and pursue his Bill, and conuise, and avoide, deny, or traverse the Defendants Answer, and the formal words of the Travers are, *Without that*, or in *Latine*, *Abque hoc*. See *Kitch. fol. 227.*

The other significati^o is found in *Stamf. Prerog. cap. 20.* the whole Chapter, who speaking of Traversing an Office, saith, That it is nothing else, but to prove that an Inquisition taken of Goods or Land by the Escheator is defective, and untruly made. So Traversing an Indictment is, to take Issue upon the chief matter of it, which is nothing else but to make contradiction, or deny the point of the Indictment: As in a Presentment against A for a High-way overflowing with Water, for default of scowring of a Ditch which he and they whose Estate he hath in certain Land there have used to scowr and cleanse, A may traverse either the matter, that is to say, That there is not any High-way there, or that the Ditch is sufficiently scowred; or otherwise he may traverse the Cause, That he hath not the Land, &c. or that he and those whose Estate, &c. have used to scowr the Ditch, *Lamb. Eiren. lib. 4. pag. 521. of Travers.* See the whole Chapter, *Kitch. fol.*

pl. 240. and the Old Book of Entries, the word Travers.

240. & le Vieil Livre de Entries, verbo Travers.

Treason.

Treason is in two manners, that is to say, grand Treason, and petit Treason, as it is ordained by the Statutes. And therefore look the Statutes, and Samford, lib. 1. cap. 2.

Treason.

Treason est en deux manners, cestascavoir, *hault Treason*, & *petit Treason*, com̄ est ordeine per les Statutes. Et ideo vide Statuta, & Stamford, lib. 1. cap. 4.

Treasure trove.

Treasure trove (i. Treasure found) is, when any Money, Gold, Silver, Plate, or Bullion is found in any place, and no man knows to whom it belongs; then the Property thereof appertains to the King. But if any Mine of Metal be found in any ground, that alway pertains to the Lord of the Soil, except it be a Mine of Gold or Silver, which shall be alway to the King, in whose ground soever it be found.

Treasure trove.

Treasure trove est, quant asc' Money, Ore, Argent, Plate, ou Bullion est trove en asc' lieu, & nul conust a que le property est; donques le property de c'appertient al Roy. Mes si ascun Mineral de Metal soit trove en ascun terre, ceo touts foits pertient al Seignior del Soile, forsq; que il soit Mineral del Ore ou Argent, queux serroit touts foits al Roy, en quecunque soile q̄ il soit trove.

Trespas.

Trespas is a Writ or Action of Trespas, whereof there are two sorts. The one Vicountiel, so called, because it is directed to the Sheriff, and is not Returnable, but to be determined in the County: The form whereof differs from the other, because it hath not these words, *Quare vi & armis, &c.* Fitz N. B. fol. 85. g. The other is directed to the Sheriff also

Trespas, Transgressio.

Transgressio est un Brief ou Action de Trespas, de queux la sont deux sorts. L'un Vicountiel, issint appel, pur ceo q̄ il est direct al Visce', & nest returnable, mes desir determine en le Countie: Le forme de q; differt d'l'auter, p̄ c' que nad ceux parols, *Quare vi & armis, &c.* F. N. B. fol. 85. g. L'auter est direct al Visce' auxy, mes est return-

returnable en Bank le Roy ou le Common Bank, & avoit tous soits en ceo ceux parols, *Quare vi & armis*, ou autrement il abatera, come appiert en *Fitz. N. B. fol. 86. b*; sinon que soit un Trespasse sur le Case, & adonq' les parols, *Vi & armis* sont waive hors, & en lieu d'eux le Brief dira en le fine de c', *Contra pacem*; &c. come appiert en *F. N. B. fol. 92. c*. Et uncore en aucuns cases Trespasse sur le Case serra *Vi & armis* auxy, coment que nemy en le point del Action, ou le *causa causata*, uncore en le conveyance al Action, & le *causa causante*, come est bi n distinguish & le Count de Salops Case, in *Coke*, l. 9 50. b.

Trial.

TRial, la sont plusors maners d'ceo; come des maters en Fact, que seront trie p les Jurors; maters en Ley, per les Justices; maters de Record, per Record m Un Seignior de Parliament, sur Indictment de Treason ou Felonie, serra trie per ses Peers, sans aucun Serement, sur lour Honours & Allegiances; mes en Appeale al Soit de aucun subjects i serra trie per probos, & legales homines. Si Ancient Demesne soit pleade de un Mannor, & denie, c' serra trie per le Record del Livre de Domesday en l' Es-

but is returnable in the King Bench or Common Pleas, and hath always in it the words, *Quare vi & armis*, or else it shall abate, as it appears in *Fitz. N. B. fol. 86. h*: if it be not a Trespass upon the Case, and then the words *Vi & armis* are left out, and in lieu thereof the *Writ* shall say in the end of it, *Contra pacem*, &c as appears in *Fitz. Nat. Brev. fol. 92. c*. And yet in some cases Trespass upon the Case shall be *Vi & armis* also, though not in the point of the Action, or the *causa causata*, yet in the Conveyance to the Action, or the *causa causante*, as is well distinguish in the Count de Salops Case, in *Coke lib. 9. fol. 50. b*.

Trial.

TRial, there are many kinds of it: as of matters in Fact, which shall be tried by the Jurors; matters in Law, by the Justices; matters of Record, by the Record it self. A Lord of Parliament, upon an Indictment of Treason or Felony, shall be tried by his Peers, without any Oath, upon their Honours and Allegiance; but in Appeal at the Suit of any Subject they shall be tried per probos & legales homines. If Ancient Demesne be pleaded of a Mannor, and denied, this shall be tried by the Record of the Book of Domesday

day in the Exchequer. In *Spofata* shall be certified by the Abbot or other Religious Governour to whom he owed Obedience. General Bastardy, Excommungement, Lawfulness of Marriage, Profection, and divers other matters Ecclesiastical, shall be tried by the Bishops Certificate. And a great number of other Trials there are, whereof see Coke lib 9. the Case of the Abbot of Strata Marcella, fol. 23.

By Writtes De morte viri in Dower, where the Tenant pleads, That the Husband of the Demandant is alive. *Raf. Enr. 128.*

Tronage.

Tronage is a certain Toll taken for Weighing. *Westm. 2. cap. 25. & 13 Edw. 1.*

Trover.

Trover is an Action which a Man hath against another, that having found any of his Goods, refuses to deliver them upon Demand. See the Old Book of Entries, word Trover.

Tumbrel.

Tumbrel, see in the Title Cuckingstool; and see the Statute of 51 H. 3. cap. 6. for the use of it.

chequer. Un Arostata serra certifie per le Abbot ou autre Religous Governour a que il doit Obedience. General Bastardie, Excommungement, Loyakiz de Marimonie, Profection, & divers autres maters Ecclesiastical, seront tries per le Certificate del Eveque. Et un grand nombre des autres Trials la sont, de queux veies *Coke lib 9.* le Case d le Abbot del Strata Marcella, fol. 23.

Per testes De morte viri in Dower, ou le Tenat plead q le Baron del Demandant est vivant. *Raf. Enr. 228.*

Tronage.

Tronage, est un certain Toll prise p Welghing. *Westm 2.c.25. & 13 Edw. 1.*

Trover.

Trover est un Action que home ad vers un autre, que ayant trove aucun de ses biens, refusa a deliver eux sur demande. Veies le *Viel Livre de Entries*, parol Trover.

Tumbrel.

Tumbrel, veies en le Title Cuckingstool; & veies le Statute de 51 H. 3. cap. 6. pur le use de ceo.

Turbary.

Turbarry.

Turbarry (*Turbaria*, del vieux Latine pol Turba, q̄ suit use pur un Turf) est un interest de foder Turfs sur un Common: Et trovers un Affise port dun tiel Common de Turbarry en 5 Affise, pl. 9. & 7 E. 3. fol. 43. b.

Turne del Viscount.

Turne del Viscount est un Court de Record en rours choses q; praiñ al Turn, & est le Leet le Roy per tout le Countie, & le Visc' est Judge. Et queuncque ad un Leet, ad meisme le authority deins le Precinct sicome le Viscount ad deins le Turne.

Ce Court est destre tenus deux foits chescun an, un foits apres Pasche, & arere puis Michaelm, & c' deins un mois apres chesc' Feast, An. 31 E. 3. cap. 15. De cest Court sont exemptz solement Archievesques, Evesques, Abbots, Priors, Countes, Barons, Religious homes & sermes, & rours ceux queux ont Hundreds de leur demesne destre tenus. Cest Court est appertenant & incident al Office dī Visc' & ne doit estre lever de ceo; & le Visc' est de constituer Clerk south luy en c' Court, deis p̄ que il voile a son peril

Turbarry.

Turbarry (from the old Latine word Turba, which was use for a Turf) is an interest of digging Turfs upon a Common: And you shall find an Affise brought of such a Common of Turbarry, in 5 Aff. pl. 9. & 7 E. 3. fol. 43. b.

Sheriffs Turne.

Sheriffs Turne, is a Court of Record in all things that pertain to the Turn, and it is the Kings Leet through all the Countie, and the Sheriff is Judge. And whosoever hath a Leet, hath the same Authority within the Precinct as the Sheriff hath within the Turn.

This Court is to be kept twice in every year, once after Easter, and again after Michaelmas, and that within one moneth after each Feast, Anno 31 Edw. 3. cap. 15. From this Court are exempted only Archbishops, Bishops, Abbots, Priors, Earls, Barons, all Religious men and women, and all such as have Hundreds of their own to be kept. This Court is appertaining and incident to the Office of the Sheriff, and ought not to be referred therefrom; and the Sheriff is to appoint Clerks under him in this Court, such as he will at his

his peril answer for : But he cannot proscribe to take any thing for the keeping of his Turn, because he is an Officer remove-able. See Coke, l. 4. 33. & l. 6. 12. and Dalton's Book of Sheriffs, tit. Sheriffs Turn.

responder : Mes il ne peut prescrire de prendre asc' chose p' le tener d son Turn, p' ceo que il est un Officer remove-able. Veies Coke, l. 4. 33 & l. 6. 12. & Dalton's Livre de Viscounts, tit. Sheriffs Turn.

Vacation.

Vacation. See Pleur-
natie.

Vagabonds.

Vagabonds, are idle and un-
profitable men, punishable
by the Statute 39 Eliz. 4. &
1 Jac. 1. c. 23.

Value of Marriage.

Valor Maritagii is a writ that
lay for the Lord against his
Ward, to recover against him
the Value of his Marriage at
his full age, for that he was
not married by his Lord with-
in age. And this writ lay
although the Lord had conde-
mned the Ward any conde-
mned Marriage. See Palmers
Case, Coke l. 4. f. 126. b. and the
Stat. 12 Car. 1. c. 24.

Vacation.

Vacation. Veies Ple-
natie.

Vagabonds.

Vagabonds, sont idle & in-
utile homes, puniable
per Stat. 39 El. 4. & 1 Jac.
1. c. 23.

Value del Marriage.

Valor Maritagii est un Bre
que gisoit p' le Sür vers
son Gard, p' recouper vers luy
le Value de son Marriage a son
plein age, p' ceo que ne fuit
marrie p' son Sür dans age. Et
ceo Bre gisoit coment que le
Seignior ne auques vender al
Gard aucun convenable Mar-
riage. Veies Palmers Case, Coke
l. 4. f. 126. b. & le Stat. 12
Car. 1. c. 24.

Venditioni exponas.

Venditioni exponas, est un Judicial Brief direct al Viscount a vender biens seize p un Fieri facias.

Vener.

Vener (*Vicinium*) est un terme use en le Stat. d 35 H. 8. c. 6. & frequentm̄t en nre Livres, & signifie un lieu prochein a ceo lou ascun chose q; venust destre trie est suppose destre fait. Et par ceo pur le mellor discoverie del' veritie del matter en fait sur chesc' Trial, ascun des Jurors seront del meisme le Hundred, ou asc' foirs de meisme le Parish ou Neighbourhood, en que le chose est suppose destre fait, queux per entendement poient aver le melieuz consance d' chose. Veies *Arundels Case*, Coke, 1.6. f. 14. a.

Venire facias.

Venire facias est un Proces direct al Viscount, ou as Coroners (si le Viscount est challenge) a summon un Jury a tryer un Issue joine penter partie & partie, ou le Roy & un Subject; & est auxy un Proces super *Audita Querela*, ou sur Indictment en Bank le Roy, & *Venire facias ad computandum vers Tenant per Elegit*.

Venditioni exponas.

Venditioni exponas, is a Judicial Writ directed to the Sheriff, to sell Goods seized by a Fieri facias.

Venew, or Visne.

Venew, or Visne, is a term used in the Statute of 35 H. 8. c. 6. and often in our Books, and signifies a Place next to that where any thing that comes to be tried is supposed to be done. And therefore for the better discovery of the truth of the matter in fact upon every Trial, some of the Jury must be of the same Hundred, or sometimes of the same Parish or Neighborhood, in which the thing is supposed to be done, who by Intendment may have the best knowledge of the matter. See Coke, 6 Book, f. 14. a. *Arundels Case*.

Venire facias.

Venire facias, it is a Process directed to the Sheriff, or to the Coroners (if the Sheriff be challenged) to summon a Jury to try an Issue joined between party and party, or the King and a Subject; and it is also a Process upon an *Audita Querela*, or upon an Indictment in the Kings Bench, or *Venire facias ad computandum*, against Tenant by Elegit.

Verderot.

Verderor.

Verderor is an Officer in the Kings Forrest, chosen by the free-holders of the County where the Forrest is, by a writ directed to the Sherif to do it, as appears by the Books of the Register, and of the Nature of Writs; and they are called in Latine, Viridarii, of the word Viridis, in English Green, in French Verd; for a great part of their Office is touching the Verd, to wit, the Wood and Grass growing in the Forrest; for which see more in the Charter and Laws of the Forrest.

Verge.

Verge is the Compass about the Kings Court, their Bounds, the Jurisdiction of the Lord Steward, and of the Coroner of the Kings House, so that he cannot intermeddle in the County with of the Verge, because his Office extends not thereunto; as the Coroner of the County cannot intermeddle within the Verge, which is exempted out of his Office by the Common Law. And it seems against reason, that their Offices and Jurisdictions being so betwixt, should intermeddle one within the Jurisdiction of the other. And this Verge seems to be twelve miles. See 13 R. 2. Stat. 1. c. 3. F.N.B. f. 241. Britton

Verderor.

Verderor est un Officer à les Forrests del Roy, esleu p. les Franktenants del Countie pour le Forrest est, p. Brief direct al Visé d'è faire, come appiert per les Livres del Register, & del Natura des Briefs & sont appellees en Latine Viridarii, de le parol Viridis, en Anglois Green, en Francots Verd; car un grand pt de leur Office est touchant le Verd, cest à sçavoir, le Boies & Herbes creissant en le Forrest; p. quel veies plus en le Charter & Leys del Forrest.

Verge.

Verge est le Compass environ le Court le Roy, qui limite le Jurisdiction del Seigneur Seneschal & del Coroner del Hostel le Roy, assint qu'il ne peut intermeddle deins le Court hors del Verge, p. ceo que son Office ne s'extende a ceo; come le Coroner del Court ne s'entremedle deins le Verge, que est exempt hors de son Office p. le Common Ley. Et semble encontre raison, que leur Offices & Jurisdictions, estant seversal, l'un entremedlera deins le Jurisdiction del autre. Et cel Verge semble estre douze milliaires. Veies 13 R. 2. Stat. 1. c. 3. F.N.B. f. 241. Britton
T s f. 86.

f. 86. *Fleta*, l. 2. c. 2. *Coke*, l. 4. f. 46. 33 H. 8. c. 12.

Verge en un autre signification est use pour un Stick ou Rod par lequel on est admis Tenant & tiendront ces en son maine, fait Serement de Fealite al Seignior del Manor, & par ceo est appel Tenant per le *Verge*. Veies *Viil N.B.* f. 17. & *Littl.* l. 1. c. 10.

Vert.

VERT venant de Francois *Vert*, & signifie overque nous en les Leys del Forreft chescun chose que cresce & port un feuille verte deins le Forreft : & est divide en over Vert & neather Vert. Over Vert est le Hault Bois, & neather Vert est le South Bois. La est auxy en Forrests un Vert appel special Vert, & c'est tous Arbres creschans en les demesne Bois le Roy deins le Forreft, & tous Arbres queux creschent ley & les Bois des aux's, sis sont tels Arbres queux portent fructs pour le fodd des Dames : & ceux sont dits special Vert, par ceo que le destruyre de tel Vert est plus grand me punie que le destruction d'auter Vert est. Veies *Manwoods For. Leys*, c. 6. f. 2. a.

f. 86. *Fleta*, l. 2. c. 2. *Coke*, l. 4. f. 46. 33 H. 8. c. 12.

Verge en another signification is used for a Stick or Rod by which one is admitted Tenant, and holding it in his hand, takes the Oath of Fealty to the Lord of the Manor, and for that cause is called Tenant by the *Verge*. See *Old N.B.* f. 17. & *Littl.* l. 1. c. 10.

Vert or Verd.

VERT comes of the French *Vert*, and signifie with us in the Forreft. Latine every thing that both grow and bears a green Leaf within the Forreft : And it is divided into Over Vert and Neather Vert. Over Vert is the Great Woods, and Neather Vert is the Under Woods. There is also in Forrests a Vert called Special Vert, and that is all Trees that grow in the Kings own Woods within the Forreft, and all Trees that grow there in other Kings Woods, if they be such Trees as bear fruit to feed the Deer : which are called Special Vert, because the destruying of such Vert is more grievously punished then the destruction of other Vert is. See *Manwoods Forreft Law*, c. 6. f. 2. a.

Vicountich.

Vicountiells.

Vicountiells are Farms so called, for which the Sheriff pays certain Rent to the King, and makes the best profit he can of them. See the Stat. 33 & 34 H. 8. c. 16.

View.

View is, when an Action real is brought, and the Tenant knows not well what Land it is that the Demandant asks; then the Tenant shall pay the View, that is, that he may see the Land which he claims. But if the Tenant hath had a View in one writ, and after the writ is abated in withdrawing the Claim, or by Nontenure, and after the Demandant brings another writ against the Tenant; then the Tenant shall not have the View in the second writ.

View of Frank pledge.

View of Frank pledge (*Visus franci plegii*) is the power to hold a Court or Leet, in which Courts every free-man in ancient time became bound with Sureties at the age of fourteen years for his Truth to the King and his Subjects: and thereupon those Courts

Viconniells.

Viconniells sont Fermes is-
sint appellee, p^r quel le
Visc^e paye certain Rent al
Roy, & fait le meilleur profit d^e
ceux q^{il} p^oit. Vies le Stat.
33 & 34 H. 8. c. 16.

View.

View est, quant aucun Action
real est portee, & le Te-
nant ne sçavoir bien quel
Terre il est que le Deman-
dant demand; donques le
Tenant priera le View, sc.
que il p^oit voir le Terre q^{il}
il clama. Mes si le Tenant
ad eu le View en un Brief,
& puis le Brief est abatus per
misesme de le Ville, ou par
Joyncture, & puis le De-
mandant port un autre Brief
vers le Tenant; donques le
Tenant n'aura le View en le
second Brief.

View de Frank pledge.

View de Frank pledge (*Visus franci plegii*) est le p^ouoir
d^e teñ un Tourñ ou Leet, en
queux Courts chesc^e Frāke-hōe
en ancien temps deveigne lye
ove Sureties al age de 14 ans
pur son Fidelitie al Roy &
les subjects. Et sur ceo ceux
Courts fueront appels le View

de Frank pledges, cestascavoir, des tiels Frank-homes queux develgnont icy Pledges ou Sur-ties l'un p l'auter. Vcies Dicinrs.

were called the View of the free Pledges, that is, of such free-men as were Pledges or Sureties one for another. See Decliners.

Vi Laica removenda.

Vi Laica removenda.

VI *Laica removenda* est un Brief que gist lou Debate est perenter deux Parsons ou Provisors d'un Eglise, & l'un enter en l'Eglise ove grand power d Lay-höes, & tient l'auterdehors ove force & arms; celuy q; est tenu deshors avef le dit Brief direct al Visc, que il remova cest power que est deins l'Eglise: & serra command al Visc, q; si il trouve asc' höes luy resistant, q'ilindra ovesque luy la Poyar de son Countie, si besoigne soit, & serra attache per leur corps tous ceux luy resistant, & les mettera en prison, issint q; il eyt leur corps devant le Roy a certein jour, de responder del Contempt. Et cest Brief est retournable, & ne serra grant, devant que l'Evesque del lieu lou tiel Eglise est eyt certifie en le Chancerie del Resistance & Force.

VI *Laica removenda* is a Writ that lies where Debate is between two Parsons or Provisors for a Church, and one of them enters into the Church with great power of Lay-men, and holds the other out with force and arms; he that is holden out shall have this Writ directed to the Sheriff, that he remove the Power which is within the Church: and the Sheriff shall be commanded, that, if he find any men there withstanding, he take with him the Power of his County, if need be, and arrest the Bodies of all those that resist, and put them in Prison, so that he have their Bodies before the King at a certain day, to answer the Contempt. And this Writ is returnable, and shall not be granted, before the Bishop of the place where such Church is, hath certified in the Chancery such Resisting and Force.

Villain & Villainage.

Villain and Villainage.

Ther en pure Villainage est, a faire tout ceo que le Sür luy voit commander.

To hold in pure Villainage is, to do all that that the Lord will him command.

The division of Villainage is, Villain of Blood, and of Tenure. And he is a Villain of whom the Lord takes Redemption to marry his Daughter, and to make him free: and it is he whom the Lord may put out of his Lands or Tenements at his will, and also of all his Goods and Chattels.

A Sockman is no pure Villain, nor does a Villain owe Ward, Marriage, or Relief, nor does he any other Services real.

Tenure in Villainage shall make no free-man Villain, if it be not continued time out of mind: nor shall Villain Land make a free-man Villain, nor free-land make Villain free, except the Tenant have continued free beyond the time of memory.

But a Villain shall make free-land Villain by Seisin, or by Claim of the Lord.

If a Villain purchase Land, and take a Wife, and alien, and dies before the Claim of Seisin of the Lord, the Wife shall be endowed.

In case the Lord bring a *Præcipe quod reddat* against the Villence of his Villain, who vouches to warrant the Issue of the Villain which is Villain to the Lord, he shall have the Voucher. And by protestation the Lord may (notwithstanding he plead with his Villain) save his Villain from being enfranchised.

A Bastard shall not be judg=

Le division de Villainage est, *Villeins de sang, & de tenure*. Et il est Villain de que son Sür prent Redemptiõ de sa file marrier, & soy mesm enfranchise: & le Seignour puit luy ouste de ses Terres ou Tenements a sa Volunt, & auxy de tous ses Biens & Chateaux.

Sockman nest pas puer Villein, ne Villein doit pas Garde, Mariage, ne Relief, ne fair auters Services reals.

Tenure en Villainage ne ferra Frank home Villein, sil ne soit continue ouster le tẽps de memory: ne villein terre ferra Frank home Villein, ne frank terre ferra Villein frank; sinon que le Tenant avoit cõtinue frank ouster le temps de memory.

Mes un Villein ferra Frank terre villein per Seisin, ou p Claime de son Seignlor.

Si Villein purchase Terre, & prent feme, & alien, & devy devant le Claime ou Seisin de son Seignlour, la feme ferra endowe.

En case le Seignour port *Præcipe quod reddat* envers le Alience son Villein, le quel vouch a garranter le Issue de le Villein q est Villein al Seigniour il avera le Voucher. Et per protestation le Seignour poit (non obstant que il plede ove son Villein) save que son Villein ne ferra my enfranchise.

Bastard ne ferra jammes
T t 3 adjudge

adjudge Villein, finon p coufians en Court de Record.

Si Det soit due per un Sir a un Frank homme, & il face deux homes ses Executors les queux sont Villeins al dit Seignour, & devie, les Villeins auroient Action de Det envers leur Seignour. Enl'en obstant que il plede over-que en, & il face protestation, ils ne feront pur tant enfranchise; pur ceo que ils sont de recover le Det al use de u autre person, cestascavoir, leur Testatour, & nient a leur use demesne.

Et si le Tenant en Dower eyt un Villein, le quel purchase certain Terre en fee, & puis le Tenant en Dower enter; el avera le Terre a luy & ses heires a tous jours. Et mesme le Ley est de Tenant a terme de ans de un Villein.

Le Seignour poit rob, trefrer, & chastiser son Villein a son volent; save que il ne poit luy main, car donques il avera Appel de maihem envers luy.

Un Villein poit aver trois Actions envers son Seignour; cestascavoir un Appeale de mort son ancestor, un Appeale de Rape fait a sa femme, & un Appeale d'Inimie.

Si deux Parceners poit Brief de Nefry, & l'un de eun soit Nonfuit, le Nonfuit de luy sera adjudge le Nonfuit d'ambideux, ainsi q; si le

ed Villain, but by knowledge in Court of Record.

If Debt be due by a Lord to a Free-man, and he makes two Men his Executors who are Villains to the said Lord, and dies, the Villains shall have an Action of Debt against their Lord. And notwithstanding that he plead with them, and if he make protestation, they shall not be thereby enfranchised; for that they are to recover the Debt to the use of another person, that is to say, their Testator, and not to their own use.

And if the Tenant in Dower have a Villain who purchases certain Land in Fee, and after she Tenant in Dower enters; she shall have the Land to her and her heirs for ever. And the same Law is of Tenant for term of years of a Villain.

The Lord may rob, beat, and chastise his Villain at his will: save only that he may not maim him, for then he shall have an Appeal of Mayhem against him.

A Villain may have three Actions against his Lord; that is to say, an Appeal of the death of his Ancestor, an Appeal of Rape done to his Wife, and an Appeal of Maim.

If two Partners bring a Brief of Nefry, and one of them be Nonfuit, the Nonfuit of him shall be judged the Nonfuit of both, so that if that Nonfuit

be after Appearance, they shall be barred from that Action forever; for such is the Law in favour of Liberty.

If two have a Villain in common, and one of them makes him a Manumission, he shall not be made free against both.

In a Writ de Nativitate habendo, it behoves that the Lord shew how the Defendant comes to be privy of the Blood of the Villain of whom he is Lord, &c. And if he nor any of his Ancestors were seised of any of his Blood, he shall not gain by his Action, if the Villain have not acknowledged himself in Court of Record to be his Villain.

In a Writ of Nisiy may not be put more Nisies than two; and this was first introduced in hatred of Bondage. But in a Writ de Libertate probanda, may be put as many Nisies as the Plaintiff will.

If the Villain be fled into Ancient Demesne of the King, or other Town privileged, within a year and a day the Lord may seize him; and if he dwell in the same Town, or other place franchised by a year and a day, without seisin of the Lord, he hath no power to seize him after, if he go not out of the franchised Franchise.

Some are Villains by title, of Prescription, that is to say, that all their Blood have been Villains regarding to the

Nousuit soit après Appearance, ils serroient barre de cest Action a tous jours; car le Ley est tel en faveur de Libertatis.

Si deux ont un Villain en common, & l'un d'eux fait a luy Manumission, il ne serra my infranchise envers ambideux.

En Brief de Nativitate habendo, il convient que le Sür monstre comment le Defendant avelgue privy de sang a celuy Villain de que il est Seigneur, &c. Et si il ne nul de ces ancestors ne soit seise de nul de son sang, il ne gainera per son Action, si le Villain n'ad pas eonus en Court de Record luy estre son Villain.

En un Brief de Nisity ne puront estre mis plusieurs Nisies q; deux; & hoc introductum fuit prius in odium Servitutis. Mes en Brief de Libertate probanda, purront estre mis tant Nisies come le Plaintiff voudra.

Si le Villain soit fue en Ancient Demesne del Roy, ou autre Ville privileged, deins lan & jour le Seigneur poit luy seiser; & si demurt en la dit Ville ou lies Franchise per un an & jour, sans le seisine de son Seigneur, il n'ad my power a luy seiser apres, si il ne va dehors de sulsdit Franchise.

Alcuns sont Villains per title de Prescription, cest a sçavoir, que tout leur sang ont estre Villains regardans

a le Maunor du S^r de temps
dont memory de eust.

Et ascuns sont fait Villeins
per leur Confession & u Court
de Record. Auxy le S^r poit
faire un Manumission a son
Villein, & luy enfranchise a
tous jours.

Si le Villein port ascun Ac-
tion vers son S^r, si ne soit
Appeale de maihem, & le Seig-
nior a ceo sans protestacion
fait respons, per ceo le Vil-
lein est franchises.

Auxy si un Villein peche
Terre, & ad Biens, & vend
les Terres & Biens devant a-
scun Entree ou Seisin fait p le
S^r, la vender est bon. Mes
le Roy, S^r de Villein en tiel
case poit enter & seiser le
Terre apres tiel ven^t fait:
*Quia nullum tempus occurrit
Regi.*

Note, que cel title & re-
mure sont abolie p Statute
Car. Sec^{us} R.

Villanous judgement.

Villanous judgement est ceo
que est done sur un In-
dictment del Conspiracy,
scilicet, que le party troye
culpable perdera son franke
Ley, ne sera plus mise
en Juries ou Assises, ne
aylors en Testimoignance
del verite: & sil ad a faire
en Courts le Roy, que
face son Attourney, & ne
my vien en son person de-

Manor of the Lord from time
out of mind.

And some are made Villains
by their Confession in a Court
of Record. Also the Lord may
make a Manumission to his
Villain, and enfranchise him
for ever.

If a Villain bring any Ac-
tion against his Lord, other then
an Appeal of maihem, and the
Lord without protestation make
answer to it, by this the Vil-
lain is made free.

Also if a Villain purchase
Land, and hath Goods, and
sell the Goods and Lands be-
fore any Entry or Seisin
made by the Lord, the sale is
good. But the King, Lord of
a Villain, in such case may en-
ter and seise the Land after such
sale made: For no time runs a-
gainst the King.

Note, that this Title and
Censure are abolished by the
Statute of Car. 2. R.

Villanous judgement.

Villanous judgement is that
which is given upon an
Indictment of Conspiracy, viz.
that the party found guilty
shall lose the benefit of the
Law, shall never more be
sworn in Juries or Assises, nor
admitted to give any Testimo-
ny elsewhere: and if he have
to do in the Kings Courts,
he shall come by Attorney, and
not in person: that his Lands,
Goods

Goods and Chattels shall be seized in the Kings hands, and estreated, if he find not the more favour, and his Trees digg'd up, and his Body imprisoned. See 24 E.3. fol.34. b. & 27 Aff. pl.59.

Virgata terre.

Virgata terre. See *Yardland.*

Viscount.

Viscount is either the name of a degree of State of Honour under an Earl, and above a Baron; or else the name of a Magistrate and an Officer of great Authority, whom we commonly call (Sheriff,) or, to speak more truly, (Shire reve,) and was at the first called (Shire gereve) that is, the Keeper of the Shire, or the Reeve or Ruler of the Shire; for (Gereve) is derived of the Saxon word Gerefa, i. a Ruler.

And hereof comes (Portreve, or Portgreve) a name in old time given to the head Officer of a Town, and signifies the Ruler of the Town; for that (Port) coming of the Latine word (Portus) signifies a Port-town, and (Greve) being derived as aforesaid, signifies a Ruler: so that Portgreve, or, as we now shorter speak, a Portreve, is the Ruler of the Town.

mesin: que les Terres, Blens & Chattels sont seules en mains le Roy, & estrepes, si ne poit mellior grace aver, & ses Arbres crases, & son Corps imprison. Veles 24 E.3. fol.34. b. & 27 Aff. pl.59.

Virgata terre.

Virgata Terra. Veles *Yardland.*

Viscount.

Viscount est ou le nosme de ũ degre ou state de Honour sous ũ Countee, & paramount ũ Baron; ou le nosm d ũ Magistrate & Officer del grand Authority, q; nous communement appellom (Sheriff) ou, de parler plus veraimet, (Shire reve,) & fuit al prim appel (Shire gereve) cest adire, Custos Comitatus, ou le Reve ou Ruler del Countee; car (Gereve) est derive de Saxon pol (Gerefa) i. un Ruler.

Et de c' vient (Portreve ou Portgreve,) un nosme en veil tēps don al chief Officer d'un Ville, & signifie le Governor del Ville; p' ceo que (Port) veniens de Latine pol (Portus) signifie un Port-ville, & (Greve) esteant derive cōc est avantdit signifie ũ Ruler: issint que Portgreve, ou, come nous a ore brièvement ple'e, Portreve est le Governor del Ville.

Et

Et issint fult le chief Officer ou Gouernor del Citie de Londres long temps past / devant que ils ad le noime del Mayor ou Bailiffs) appel cōc il appiert en diuers vieulx minoumens; mes principalment en le Saxon Charter de William le Conquerour, que issint commence :

William le King greit William Bishop, & Godfrey ges Portgerisyt, & dalle tha Barwaten theon Lond, beon, &c.

Issint i's de Germany (de q; nous & nōstr Language priemēt vient) appel un Gouernor Burgreue, u auter Margreue, & u auter Landgreue, ou tielx semblables, &c.

Cest tant est dit tant solement p monstre le droit Etymon & Antiquity de parol (Sheriff;) a quel Officer nōstr Common Ley ad tous soits done si grand confidence & authority, cōc desire un special Preserver del Peace. Et p ceo tous Obligations que il prist a m le purpose, sont cōc Recognisances en Ley.

Il est un Judge de Record quant il tient les Leets ou Turnes, les queux sont Courts de Record.

Item il ad le Execution & Return des Eri's, & impanneling des Juries, & tielx semblables, &c.

And thus was the Head Officer or Gubernor of the City of London long since (before they had the name of Mayor or Bailiffs) called, as it doth appear in diuers old monuments, but chiefly in the Saxon Charter of William the Conquerour, which begins thus :

William the King greeteth William the Bishop, and Godfrey the Portreve, and also the Citizens that in London be, &c.

So also they of Germany (from whom we and our Language first came) call one Gubernor Burgreeve, another Margreeve, and another Landgreeve, with such like, &c.

Thus much is said only to shew the right Etymon and Antiquity of the word (Sheriff;) to which Officer our Common Law hath alwayes given so great Trust and Authority, as to be a special Preserver of the Peace. And therefore all Obligations that he takes to that end, are Recognisances in Law.

He is a Judge of Record when he holds the Leets or Turnes, which are Courts of Record.

Also he hath the Execution and Return of Eri's, and impanneling of Juries, and such like, &c.

Uncore prift.

Uncore prift is a Plea for the Defendant in Debt upon an Obligation, who being sued because he did not pay the Debt at the day, pleads, to take the Forfeiture, that he refused the money at the day and place, and that no Body was there to receive it; and says over, That he is yet ready to pay it. And where a man might to plead that, that he is yet ready, and where not, see in Perkins, sect. 783, & 784. & Coke's book, fol. 79. a, b, in Peytor's Case.

Uncore prift.

Uncore prift est un Plee pur le Defendant en Det sur Obligation, que esciant sue pur ceo, que ne paya le Det al jour, plead, pur aver le Forfeiture, q il tender, les deniers al jour & lieu, & que nul fust la pur recevoir, & dir ouster, que il est *uncore prift*, de payer. Et lou home doit plead-er ouster *uncore prift*, & lou nemy, veles en Perkins, sect. 783, & 784. & Coke, lib. 9. fol. 79. a, b. in Peytor's Case.

Volunt.

Volunt is, when the Tenant holds at the Will of the Lessor, or Lord: and that is in two manners.

One is, when I make a Lease to a man of Lands, to hold at my Will, then I may put him out at my pleasure: but if he sow the Ground, and I put him out, then he shall have his Corn, with egress and regress till it be ripe, to cut and carry it out of the ground.

Such Tenant at Will is not bound to sustain and repair the House, as Tenant for years is: But if he make wilful waste, the Lessor shall

Volunt.

Volunt est, quant le Tenant tient a le Volunt del Lessor, ou Sür: & ceo est è deux manners.

U'est quant jco face Lease a un hom de Terres, a ten a ma Volunt; donques jco püsse luy oust a mon plaisir: mes s'il emblee le Tre, & jco luy ousta, donques il avera son Embleement, & egress & regress jèques ils sont matures, pur eux scier & carier hors del terre.

Tel Tenant a Volunt n'est pas tenu de sustainer & repaier le Meason, sicome Tenant a terme de ans est tenu; Mes si il fait voluntary Waste,

Waste, le Lessor avera vers luy un Action de Trespasse.

Auxy la est auter Tenant a Volunt del Seignior, per Copy de Court-Roll, selonque le Custome del Man- nor: & tuel Tenant poit sur- render le Terre en les mains le Sir, per le Custome, al use d'un auter pvie, en fee, ou fee talle; & donques il pren- dra le Terre del Seignior, ou son Seneschal, per Copy, & ferra Fine al Seignior. Mes si le Seignior ousta tuel Te- nant, il nad remedy mes de fuer per Petition. Et si tuel Tenant voile im- pleade un auter des Terres, &c. il covient enter un Plaint en le Court, & coun- tera en le nature del quel Brief il voit, sicome le case gist.

Voucher.

Voucher est, quant un *Pre- cipt quod reddat* de Terre est port vers un home, & un auter doit garrant le Terre al Tenant; donques le Tenant luy *vouchera* a Garrantie, & sur ceo il avera un Brief ap- pel *Summonas ad war- rantizandum*. Et si le Vis- cunt retourne que il nad riens per que il poit estre susmon, donques llera, Brief appel *Sequatur sub suo periculo*. Et quant il viert, il pleadera oveisque

have against him an Action of Trespass.

Also there is another Tenant at Will of the Lord, by Copy of Court-Roll, according to the Custome of the Mannor: and such a Tenant may sur- render the Land into the hands of the Lord, according to the Custome, to the use of another for Life, in fee, or in tail; and then he shall take the Land of the Lord, or his Steward, by Copy, and shall make Fine to the Lord. But if the Lord put out such a Tenant, he hath no remedy but to sue by Peti- tion. And if such a Tenant will implead another of the Lands, &c. he ought to enter a Plaint in the Court, and shall declare in the nature of what Writ he will, as the case lies,

Voucher.

Voucher is, when a *Præcipe quod reddat* of Land is brought against a man, and another ought to warrant the Land to the Tenant; then the Tenant shall vouch him to Warranty, and thereupon he shall have a Writ called *Summonas ad Warrantizandum*. And if the Sheriff return that he hath nothing by which he may be summoned, then there shall go forth a Writ called *Sequatur sub suo periculo*. And when he comes, he shall plead with the

De:

Demandant. And if he come not, or if he come, and cannot bar the Demandant, then the Demandant shall recover the Land against the Tenant, and the Tenant shall recover as much Land in value against the Vouchée; and thereupon shall have a writ called *Capias ad Valentiam* against the Vouchée.

See more of Voucher before, in the Title of Garranty.

le Demandant. Et si ne vient, ou vient, & ne peut barre le Demandant, donques le Demandant recouvrera le Terre vers le Tenant, & le Tenant recouvrera tant de Tfe en value vers le Vouchée; & sur ceo il avera un Brief appel *Capias ad valentiam* vers le Vouchée.

Vide plus de Voucher devant, Tit. Garrantie.

Uses.

Uses of Land had beginning after the Custom of Property began amongst men: as where one being seised of Lands in Fee-simple, made a Feoffment to another without any Consideration, but only meaning that the other should be seised to his Use, and that he himself would take the Profits of the Lands, and that the Feoffee should have the Possession and Franktenement thereof to the same use, &c.

Now after this, upon good Considerations, and to avoid divers Mischiefs and Inconveniences, was the Statute of An. 27 H. 8. c. 10. provided, which unites the Use and possession together, so that he who hath the Use of the Land, hath the Possession thereof, according to the Use he hath therein, by virtue of that Statute.

Uses.

Uses de Terre ad son commencement après que le custome de Propertie commence entre homes: cœ ou un esteant seise de Terres en Fee-simple, fait un Feoffment al un autre sans asc. Consideration, mes seulement meaning que l' autre serroit seise al son use, & q; il mesm. volle prendre les Profits de les Tfes, & q; le Feoffee doit aver le Possession & Franktenement de ceo al mesme le use, &c.

Oré après ceo, sur bone Considerations, & p. avoier divers mischies & inconveniences, fuit le Statute de An. 27 H. 8. c. 10. purview, quel unite le Use & Possession ensemble, issint que il que ad le use de Terre, ad le Possession de ceo, accordant al Use q. il avoit en ceo, p. vertue de cest Statute.

Usurpation.

USurpation est, plus communement use quant aucun present un Rector ou Vicar al Eglise sans bon titre. Stat. Westm. 2. cap. 5. Co. 6. Rep. 51. & 11 Rep. 33.

Usury.

USury est un Gaine d'asc chose ouster le Principal, ou ceo que suit lent, exact solesit en consideration de le Loan, soit il d'Corne, Vland, Apparel, Wares, ou tiels semblables, come de Monie.

Et icy mult pout estre dit, & divers Cases mls concernants Usurie, le q'ux d'pose jeo omit: solesit jeo pria, q' ceux que accompt eux mesmes religions & bone Christians ne voillent decrive eux mesmes per colour de le Statute de usury, p' ceo q' le Statute dir, q' il ne serra loyal p' aucun de prendre ouster vj. l. en le C. l. pur un an, &c. p' que ils collect (mes fauxment) que ils poient per ceo prendre vj. l. pur le Loan d'un C. l. ove un bone Conscience, pur ceo que le Statute solongue un manner dispense ove ceo, (p' ceo q' il ne punishe tiels pre-dors.) Car Dieu voille aver ses Decrees observe inviolable, q' dit, Lend, expectant nul chose

Usurpation.

USurpation, is most commonly used when any one presents a Rector or Vicar to a Church without a good Title. Stat. Westm. 2. cap. 5. Co. 6. Rep. 51. & 11 Rep. 33.

Usury.

USury is a Gain of any thing above the Principal, or that which was lent, exacted only in Consideration of the Loan, be it as well Corn, Wheat, Apparel, Wares, or such like, as Money.

And here much might be said, and many Cases put concerning Usury, which of purpose I omit: only I wish them who account themselves Religious and good Christians, would not decrive themselves by colour of the Statute of Usury, because the Statute saith, that it shall not be lawful for any to take above xi. pounds in the C. l. in a year, &c. whereby they gather (though falsly) that they may therefore take xi. pounds for the Loan of an hundred pounds with a good Conscience, because the Statute doth allow a lawfull dispense with it (because it doth not punish such taking.) For God will have his Decrees to be kept inviolable, who saith, Lend, looking for nothing thereby,

thereby, &c. by which moths is excluded either the taking of vi. l. v. l. per or one penny above the Principal. But rather let such think, that Statute was moved upon like cause that moved Moses to give a Bill of Divorce to the Israelites, as namely to avoid a greater mischief, and for the hardness of their hearts.

And the Statute of 21 Jac. cap. 17. hath expressly ordained, That no word in that Law shall be Construed and Expounded to allow the practice of Usury in point of Religion or Conscience.

By the Statute of 13 Eliz. c. 8. the Loan of Money was at 10 l. per Cent. by 21 Jac. cap. 17. at 8 l. per Cent. and now by the Statute of 12 Car. 2. c. 17. it is reduced to 6 l. per Cent.

Utlary.

Utlary is, when an Exigent goes forth against any man, to appear in any Court to make Answer to any Action or Indictment, and Proclamation made in the Countre; then if the Defendant appear not, the Coroner shall give Judgment that he shall be out of the Protection of the King, and out of the aid of the Law.

By such an Utlary in Actions Personal, the party Outlawed shall forfeit all his Goods and Chattels to the King.

par cas, &c. Per queux polx est exclude le prisel de vi. l. v. l. ou de un denier ouster le Principal. Mes plus pensant tiels, q' cest Statute suit fais sur tiel semblable cause que movant Moise de doner un Bill de Divorce a les Israelites, come nosmeint p' avoider un greinder mischief, & p' le duricie de leur coeurs.

Et le Statute de 21 Jac. c. 17. ad Ordeine expressement, que nul parol en cest Ley serf construe ou expound p' allower le practice del Usurie en point de Religion ou Conscience.

Per le Statute de 13 Eliz. c. 8. le Loan Monie suit 10. l. per Cent. per 21 Jac. c. 17. 8. l. per Cent. & ore per le Statute 12 Car. 2. c. 17. ceo est reduce al 6. per Cent.

Utlary.

Utlary est, quant Exigent issist vers aucun home, d' appeare en asc' Court de faire Respons al asc' Action ou Indictment, & Proclamation fait en cinque Countre; si le Defendant ne appeare, donques le Coroner donera Judgment que il serrá hors de protection de Roy, & hors del aide le Ley.

Per tiel utlary en Actions personals, le partie utlage forfeit tous ces Biens & Chateux al Roy.

Et.

Et per *utlarie* en Felonie, il forfeitera auxy bien tous ses Tres & Tenements que il ad en Fee-simple, ou pur terme de sa vie, come ses Biens & Chateaux.

Auxy mesme un home soit outlage, uncore si ale Discontinuanee ou Erreur soit en la Suit del Proces, le partie de ceo avera l'advantage, & per tiel cause l'*Utlagarie* serra reverse & aduulle.

Si le partie defendant soit ouster la Mer al temps del *Utlagarie* pronounce, ceo est bone cause de Reversal.

Si un Exigent soit agard vers un home en un Countie lou il ne demurre pas, uncore un Exigent ove Proclamation serra al Countie lou il demurre; ou autrement fil soit sur ceo outlage, *utlagaria* soit estre reverie, come appiert p le Statute fait An 6. & 4 H. 8. cap. 4.

Auxy si un soit outlage en Action personal al Suit d'un auter, & puis il purchase son Charter de Pardon de Roy, riel Charter ne serra jamais allowe, tang il ad sue un Brief de *Scire facias* de garoer le partie Plaintiff; & fil appeare, donques le Defendant respondera a luy, & luy barref d sa Action, ou autrement serra Agreement oveque luy.

And by an *utlary* in Felony he shall forfeit as well all his Lands and Tenements that he hath in Fee-simple, as his term of his life, as his Goods and Chattels.

Also though a man be outlawed, yet if any Error or Discontinuanee be in the Suit of the Proces, the party shall have advantage thereof, and for such cause the *Utlary* shall be reversed and aduulled.

If the party Defendant be ouster the Sea at the time of the *Utlary* pronounced, that is a good cause of Reversal.

If an Exigent be awarded against a man in one County, where he dwells not, yet an Exigent with Proclamation shall go forth to the County where he dwells; or else if he be thereupon Outlawed, the *Utlary* may be reversed, as it appears by the Statute An 6. & 4 H. 8. c. 4.

And if a man be outlawed in Action personal at the Suit of another, and after he purchase his Charter of Pardon of the King, such Charter shall never be allowed, till he hath sued a Writ of *Scire facias* to warn the party Plaintiff; and if he appear, then the Defendant shall answer him, and bar him of his Action, or else make Agreement with him.

Utlaw.

Utlaw. See Waive.

Utlepe.

Utlepe signifies the Escape of
Chiebes. *Fleta, lib. 1.*
cap. 47.

Utrum.

Utrum is a writ that lies
when the Right of any
Church is aliened and holden in
Lay-fee, or translated into the
possession of any other Church,
and the Bishops dies; then his
Successor shall have the said
writ, whereof an Enquest shall
be charged to try whether it be
the Free alms of the Church, or
Lay-fee.

And note well, that none that
have Cohent or Common Seal
may maintain this writ, but a
Writ of Entre sine assensu Cap-
itall, for the Alienation made by
his Predecessor.

Utlaw.

Utlaw. Veies waiv.

Utlepe.

Utlepe significat Escapum
(hoc est Evasionem) Latro-
num. *Fleta lib. 1. cap. 47.*

Utrum.

Utrum est un Brief que gist
quant le Droit d'aucun
Eglise est aliene & tenu en
Lay-fee, ou translate en pos-
session d'autre Eglise, & Alle-
nor devle; donques son Suc-
cessor avera le dit Brief per
que un Enquest serra charge de
trier, *utrum sit Libera elemo-
sina Ecclesia, vel Laicum feo-
dum.*

Et nota, que nul que ad Co-
vent ou Common seale pout
mainteiner cest Brief, mes
Brief d'Entre sine assensu Ca-
pituli, d'Alienation fait p son
Predecessor.

W.

Wage.

WAge est le Donant securite par le performance d'asc' chose: come a gager Ley, & a gager Deliverance, queux veies devant en Gage. Nul gagera Ley encounter le Roy, Brook tit Chose in Action, num. 6. Veies Ley.

Waife.

Waife est, quant un Laron ad feloniously emblee Biens, & essant neerment pursue ove Hue & crie, ou auterment surcharge ove le burden ou trouble des Biens, p son ease & plus speedie travaille, sans Hue & crie, sua, & waiva les Biens ou asc' part d'eux arere luy, &c. donques l'Officer del Roy, ou le Reeve ou Bailiff al Seignior del Mannor, (dels que Jurisdiction ou Circuit ils fueront waife) que per Prescription ou Grant de Roy ad le Franchise de Waife, poient seiser les Biens issint waife al use de leur Seigniors, que poient retaine eux come ses pper Biens, sinon que l'Owner vient ovelesque fresh Suit

W.

Wage.

WAge is the Giding Security for the performing of any thing: as to wage Law, and to wage Deliverance, which see before in Gage. None may Law against the King, Brook, tit. Chose in Action, num. 6. See Law.

Waife.

Waife is, when a Thief hath feloniously stolen Goods, and being nearly followed with Hue and Cry, or else overcharged with the burthen or trouble of the Goods, for his ease sake and more speedy Travelling, without Hue and Cry, flies away, and leaves the Goods or any part of them behind him, &c. then the Kings Officer, or the Reeve or Bailiff to the Lord of the Mannor, (within whose Jurisdiction or Circuit they were left) who by Prescription or Grant from the King hath the Franchise of Waife, may seise the Goods so valued to their Lords use, who may keep them as his own proper Goods, except the Owner come with fresh Suit after the Felon

Felon, and sue an Appeal, or give in Evidence against him at his Arraignment upon the Indictment, and he be attainted thereof, &c. In which cases the first Owner shall have Restitution of his Goods so stolen and waived.

And though, as hath been said, Waive is properly of Goods stolen, yet it may be also of Goods not stolen: As if a man be pursued with Hue and Cry as a Felon, and he flies and leaves his own Goods, &c. these shall be taken as Goods waived, and forfeit as if they had been stolen.

But see Foxleys Case, Coke l. 4. s. 109. b. that these are not Goods waived, but Goods of fugitives, which are not forfeited till it be found before the Coroner, or otherwise of Record, that he fled for the Felony.

Waive.

WAIVE is a Woman that is outlawed; and she is called Waive, as left out or forsaken of the Law, and not an Outlaw, as a man is: for Women are not sworn in Leets to the King, nor to the Law, as men are, who therefore are within the Law; whereas Women are not, and for that cause they cannot be said Outlawed, insomuch as they never were within it. See Fitz.N.B. fol. 161. A.

après le Felon, & sue un Appel, ou done en Evidence envers luy al son Arraignment sur l'Indictment; & il est attaint de ceo, &c. En queux cases le primer Owner avera Restitution de ses Biens s'il s'ent emblee & waive.

Mes n'est obst' comēt ad este dit, *waive* est ppermit d Biens emblees, unc' *Waive* pōit estre anx' de Biens nient emblees: Cōe si un hōe soit p'su' ovēsq; Hue & Cry come un Felon, & il sue & relinquisi ses Biens demesne, &c. ceux serf prise come Biens *waive*, & forfeit come s'ils ad este emblees.

Mes veles Foxley's Case, Coke l. 4. s. 109. b. que ceux ne sont bons *waivata*, sed bona Fugitivorum, queux ne sont forfeits tant; soit trouve devāt le Coroner, ou antersit d' Record, que il sua p le Felonie.

Waive.

WAIVE est un Feme que est Utlage; & il est appelle *waive*, quasi *relicta a Lege*, & nemy *utlage*, come home est: car femes ne sont jures en Leets al Roy, ne al Ley; come homes sont, que pur ceo sont deins le Ley; & pur cest cause ils ne poyent estre dit *utlage*, entant que ils ne unques fueront deins ceo. Veles Fitz.N.B. fol. 161. A.

Mes un home est ille-egalé, par ceo que il fuit un foins jure a le Ley: Et a ore pur conempt il est mis hors del Ley, & dictus atlegatus, quasi extra Legem positus.

Wapentake.

Wapentake est tout un ove c' q nous appelloms Hundred, come appliert per *Bract. l. 9. tract. 2. c. 1. num. 1.* in fine. Lambert, en son Explication d Saxon poite, verbo *Centuria*, dit, Que cest parol wapentake est plus especialmēt use a cest jour en les Pays ouster le flure de Trent: Et en les Leyes del Roy Edm. (per lay public) num. 23. il est fort plainc en ceux parols, Et quod Angli vocant Hundredum, suprad' Comitatus vocant Wapentakium.

Les Statutes An. 3 H. 5. c. 2. & An. 9 H. 6. c. 10. & Anno 15 H. 6. c. 7. font mention d *Straitliffe wapentake*, & *Friendliffe wapentake* en Craven en le County d *Everwich*. Veies *Regis Hoveden*, part. poster. *Annal.* fol. 346.

Warden.

Warden est de m-sme signification come est le parol Francois *Gardain*, & p c' veies pluis en le Title *Gardain*.

But a man is called unlaw because he was once chosen to the *Halm*: But when for some tēp he is put out of the *Halm*, and is called unlaw, as one should say, without benefit of the *Halm*.

Wapentake.

Wapentake is all one with that which we call Hundred, as appears by *Bract. lib. 9. tract. 2. cap. 1. num. 1.* in the end. Lambert, in his Explication of Saxon Words, verbo *Centuria*, saith, That this word Wapentake is more especially used at this day in the Countreies beyond the River Trent: But in the *Halm* of King Edward (by him set forth) num. 23. it is most plain in their words, And what the English term Hundred, the foresaid Countreies call Wapentake.

The Statutes An. 3 H. 5. cap. 2. and An. 9 H. 6. cap. 10. and An. 15 H. 6. cap. 7. make mention of *Straitliffe Wapentake*, and *Friendliffe Wapentake* in Craven in the County of York. See *Roger Hoveden*, part. poster. *Annal.* fol. 346.

Warden.

Warden is of the same signification with the French *Gardain*, and therefore of this see more in the Title *Gardain*;

deus: But it is the most usual word in English, for him that hath the Custody and Charge of any person or thing by Office; as Wardens of the Fellowship in London, Anno 14 H. 8. cap. 2. Warden Courts, An. 31 H. 6. c. 3. Warden of the Marches, An. 4 H. 7. cap. 8. Ferry Warden, An. 18 Eliz. c. 10. & An. 27 Eliz. c. 16. Wardens of the Peace, Anno 2 Edw. 3. c. 3. Wardens of the West Marches, *Camden Brit. p. 606.* Warden of the Forest, *Manwood, part. 1. p. 111, 112.* Warden of the Blunings, An. 18 H. 6. c. 16. Warden of the Kings Armour in the Tower, An. 1 E. 4. c. 1. Chief Warden of the Forest, *Manwood part. 1. pag. 42, 43.* Warden of the Kings Wardrobe, Anno 5 Hen. 3. Stat. 5. Wardens of the Tables of the Kings Exchange, Anno 9 Ed. 3. Stat. 2. c. 7. and Anno 9 Hen. 3. Stat. 2. cap. 4. Warden of the Rolls of the Chancery, Anno 1 Edw. 4. cap. 1, & 5. Wardens and Communality of Lands contributory to Rochester Bridge, Anno 18 Eliz. cap. 17. and Wardens of the Stannary Courts, 4 Inst. 230.

Wardmote.

Wardmote is a term mentioned in the Stat. of 32 H. 8. c. 17. and signifies a Court that is kept in every Ward in London, and is usually

deus: Mes il est le plus usuel a parol in Anglois, pour luy q ad le Custodie ou charge de aucun person ou chose p Office; como Wardens d'Fraternities en Londres, Anno 14 H. 8. c. 2. Warden Courts, An. 31 H. 6. c. 3. Warden del Marches, Anno 4 H. 7. cap. 8. Ferry Warden, An. 18 Eliz. c. 10. & An. 27 Eliz. cap. 26. Wardens del Peace, An. 2 Ed. 3. cap. 3. Wardens del West-Marches, *Camden Brit. pag. 606.* Warden del Forrest, *Manwood part. 1. p. 111, 112.* Warden del Alnage, An. 18 H. 6. cap. 16. Warden del Armour le Roy en l' Tower, An. 1. E. 4. c. 1. Chiefe Warden del Forrest, *Manwood part. 1. pag. 42, 43.* Warden del Wardrobe le Roy, An. 5 H. 3. Stat. 5. Wardens des Tables del Exchange le Roy, An. 9 Ed. 3. Stat. 2. c. 7. & An. 9 H. 3. Stat. 2. c. 4. Wardens des Rolles del Chancery, An. 1 E. 4. c. 1, & 5. Wardens & Communalite des Terres contributory ad Rochester Bridge, An. 18 Eliz. c. 17. Et Wardens des Courts de Stannaries, 4 Inst. 230.

Wardmote.

Wardmote est un terme mention en l' Stat. d 32 H. 8. c. 17. & signifie un Court q; est ten' e chescun Ward en Londres, & est usualment

alment appel *Wardmote-Court*,
ou l' *Wardmote-Inquest*.

called the *Wardmote-Court*, or the
Wardmote-Inquest.

Warrantie.

Warrantie.

Warrantie. Veles Gar-
rantie.

Warrantie. See Garran-
tie.

Warrantia charta.

Warrantia charta.

Warrantia charta est un
Brief q̄ gist pur cestuy
que est infeoffe ove Garrāty,
& est apres implead en ū Af-
fise ouauter Action ē q̄ ne poit
vouch; donques il avera cest
grief vers le Feoffor ou son
Heir, pur compell eux de
garranter le Terre a luy.
Et vies d ceo Fitz. N. B. fol.
134. D. Vies Garranty des
Charters.

Warrantia charta is a Writ
that lies for him that is
infeoffed with Garranty, and
is afterward impleaded in an
Affise or other Action in which
he cannot vouch; then he may
have this Writ against the
Feoffor or his Heir, to compel
them to warrant the Land unto
him. And see of this Fitz. N. B.
f. 134. D. See Garranty of Char-
ters.

Warrantia dici.

Warrantia dici.

Warrantia dici est un Brief
que gist en case lou home
ad jour en asc' Action sue
vers luy d appeare en proper
p̄son, & le Roy a cest jour ou
devant luy maund en asc' ser-
vice, issint q; ne poit appeare
al jour en Court; donques il
poit aver cest Brief direct as
Justices, que ils ne record luy
destre en Default p̄ son non
appearance. Et vies de ceo
Fitz. N. B. fol. 17. A. & pur le
forme del Bfe veles Glarvile
lib. 1. cap. 8.

Warrantia dici is a Writ that
lies in case where a man
hath a day in any Action sue
against him to appear in proper
person, and the King at that
day or before employs him in
some service, so that he cannot
appear at the day in Court; then
he may have this Writ directed
to the Justices, that they shal
not record them to be in Default
for his not appearing. And see
this Fitz. N. B. fol. 17. A. and
the form of the Writ, see Glar-
vile, lib. 1. cap. 8.

Warre

Warren.

Warren is a place privileged by Prescription or Grant of the King, for the Preservation of Hares, Cones, Partridges and Pheasants, or any of them.

Warwit.

Warwit, (or Wardwit, as some Copies have it) is to be quit of giving money for keeping of Hounds.

Wast.

Wast is, where Tenant for term of years, Tenant for life, or Tenant for term of another's life, Tenant in Dower, or Tenant by the Curtesie, or Guardian in Chivalry, doth make Wast or Destruction upon the Land, that is to say, pulls down the House, or cuts down Timber, or suffers the House willingly to fall, or digs the Ground; then he in the Reversion shall have a Writ for that Wast, and shall recover the place where the Wast is done, and treble Damages.

And if a Man cut down Timber without Licence, and therewith repairs old Houses, yet that is no Wast. But if he with the Timber build a new

Warren.

Warren est un lieu privilegié par Prescription, ou Grant del Roy, p^r le p^rservation del Leverers, Cunicles, Perdices, & Pheasants, ou ascun de cux.

Warwit.

Warwit, (ou wardwit cōc' asc' Copies ad c') est quietum esse de denariis dandis p^r Wardis faciendis.

Wast.

Wast est, ou Tenant a terme dans, Tenant dévle, ou Tenant pur terme d'auter yle, Tenant à Dower, ou Tenant per le Curtesie, ou Gardein en Chivalry, fait Wast ou destruction sur al Terre, cestàscavoir, sil debtr^a la Meason, ou coupe Merlisme, ou suffer le Meason voluntariment p^r échler, ou foder la Terre; donques cestuy en le Reversion avéra un Briel pur cest Wast, & recovers le lieu ou le Wast fait fait, & treble Damages.

Et si homme coupe Merlisme sans Licence, & ovesque ceo repair les ancient Measons, encore ceo n'est pas Wast. Mes si il ovesque le Merlisme undina

un novel meason, le couper de del Merisme est Wast. Auxy le couper ce Subboys ou Willows, que nest pas Merisme, ne ferra dit Wast, sinon que cressont en le vlew ou seit del Meason.

Wast per le Ley Civile est appel Dilapidation: & pur c' l'Executor d'un Rector ou Vicar & sont respoignable en Court Christian.

Est auxi un Brief de Wast *permittendo Messuagium vel domum, &c. fore in decasu & ruinam, Co. Ent. 601.*

Wharf.

WHarf est un parol use en le Statute de l'Eliz. 1. & autres Statutes, & est un Ample lieu procheine al Creek ou Hith de l'eau, sur que Biens & Wares sont jects queux sont desire eskipts & transports del un lieu al autre.

Wibernam.

Wibernam est le Prisure ou chaser dun Distresse a un Fortresse, ou hors del County, issint que le Viscount ne poit sur Replevin faire delivrance de oco al party distraint en q' case un Brief de *wibernam* est direct al Viscount p' le prise d' rants de ses Avers que issint illoy-

house, the cutting down of such Timber is Wast. Also the cutting down of Under-wood or Willows, which is no Timber, shall not be said to be Wast, unless they grow in the sight or habour of the house.

Wast, by the Civil Law, is call'd Dilapidation, and for that the Executor of a Rector or Vicar are answerable in the Court Christian.

There is also a Writ of Wast, *permittendo Messuagium vel domum fore in decasu & ruinam. Co. Ent. 601.*

Wharf.

WHarf is a word used in the Statute of a Eliz. 1. and other Statutes and is a broad place near a Creek or Hith of water, upon which Goods and Wares are laid which are to be shipped and transported from place to place.

Wibernam.

Wibernam is the Taking or Driving of a Distress to a Hold, or out of the County, so that the Sheriff cannot upon Replevin make delivery thereof to the party distrained; in which case a Writ of Wibernam is directed to the Sheriff for the taking of as many of his Beasts that did thus unlawfully

fully distrain, or as much Goods of his, till he has kept, until he hath made deliverance of the first Distress. Also if the Sheriff or his Bailiff or Forester of Castle, the Sheriff may take with him the Keeper of the County, and have down the Castle, as appears by the Statute of Westminster. 1. cap. 20. Brit. cap. 27.

Woodgeld.

Woodgeld seems to be the Gathering or Cutting of Wood within the Forest; money paid for the same to the Forester. And the Impropriety from this by the Kings Grant is by Crompt. fol. 197. called Woodgeld.

Woodmote.

Woodmote is the old name of that Court of the Forest which is now, since the Statute of Charta de Foresta, called the Court of Attachments, and by the Statute is held every forty days; but was wont to be held at the will of the chief Officers of the Forest, and at no certain time. See Manwoods Forest Laws, cap. 22. fol. 207. a.

alment distraine, ou tant de les Biens, en son custody, jescque il ad fait delivrance de le premier Distress. Aussi si les Arres sont en un Forester ou Castles, le Viscount pult prendre avec lui le Power del County, et debenter le Castle, come appiert per le Statute de Westminster. 1. cap. 20. Brit. cap. 27.

Woodgeld.

Woodgeld semble desir l'Collection ou succider d'boys delus le Forrest, ou argent prise par le use de Forrester. Et le privilege de ceo per le Grant l'Roy, est per Crompt. fol. 197. appel woodgeld.

Woodmote.

Woodmote est le veil, nomme de ceo Court del Forrest que a ore, apres le Statute de Charta de Foresta, est appel le Court des Attachments, & par ceo Statute est tenu chescun 40 jours; mes soloit desir tenu al volunt des chief Officers del Forrest, & nemy al aucun temps certain. Vcles Manw. For. Lys, c. 22. fol. 207. a.

Woolferthod.

Woolferthod est le condition de tel qui fueroit uilage en le temps des Saxons finient subastituerent eux fins al Justice: car s'il poyent estre prisen, & se faire ferloient port al Roy: & s'il en pavor de apprehension eux mesmes defenderont, ils poient estre tue, & leur testes port al Roy; car ils porteront le Teste d'un wolf, cest adire, leur Teste ne fust plus desirer regard q' le test d'un wolf, q' fuit un Beast. cy est dit en home: Velest Ley de Roy Edward per Lamb. 7. 1127. & Bract. lib. 3. 1127. & Bract. lib. 3. 1127. & Bract. lib. 3. 1127. Coo est eicre: & est eicre per Roger Hoveden, part. poster. Annal. fol. 343.

Wreck.

Wreck.

Wreck, ou Varch, (come les Normans, & que il vient, appellent ce) est quant un Nef est perish, sur le Mer, & nul homme escape vive hors de ceo, & le Nef ou part del ceo issint perish, ou les Biens del Nef, vient al terre de alcun Sir, le Sir les avera com un wreck de l' Nef. Mes si un Hom, ou un Chien, ou Chatte, escape vive, issint que le party a q' les Biens sont veign dans lan & jour, & pve les Biens desirer ses, il avera

Woolferthod.

Woolferthod is the condition of such who were Outlawed in the Saxon time, for not submitting themselves to Justice: for if they could be taken alive, they should be brought to the King; and if they in fear of apprehension did defend themselves, they might be slain, and their heads brought to the King; for they carried a Woolfs Head, that is to say, their head was no more to be accounted of than a Woolfs head being a Beast so hurtful to man. See the Laws of King Edward by Lamb. f. 127. num. 7. & Bract. lib. 3. tract. 2. cap. 21. This is written Wulfe-sheaved by Roger Hoveden, part. poster. Annal. fol. 343.

Wreck.

Wreck.

Wreck, or Varch, (as the Normans, from whom it came, call it) is, where a Ship is perished on the Sea, and no man escapes alive out of it, and the Ship, or part of it so perished, or the Goods of the Ship, come to the Land of any Lord, the Lord shall have that as a Wreck of the Sea. But if a Man, or a Dog, or a Cat, escape alive, so that the party to whom the Goods belong, come within a year and a day, and prove the Goods to be

be his, he shall have them as
gain, by Provision of the Sta-
tute of Westm. 1. cap. 4. made in
King Edw. 1. days, who therein
followed the Decree of H. 1. be-
fore whose days, if a Ship had
been cast on shore, torn with
Tempest, and were not repaired
by such as escaped alive within
a certain time, that then was
taken for Wreck.

arere, p provision del Statute
de Westm. 1. cap. 4. fait en les
jours del Roy Edw. 1. que en
ceo followed le Decree de
H. 1. devant que jours, si un
Nef ad esire ject sur l' shore,
torne ove Tempest, & nemy
repaire per eux que escapont
en vie deins un certain temps,
donques ceo fult prise come
wreck.

Y.

Yard-land.

Yard-land (Virgata terræ)
in some Counties con-
tains 20 Acres, in some
24, and in some 30 Ac-
res of Land.

Y.

Yard-land.

Yard-land (Virgata ter-
ra) en asc' Counties
contein 20 Acres, en
asc' 24, & en asc' 30
Acres de Terre.

F I N I S.